

Peru 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Peru during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by security forces; torture or cruel, inhuman, or degrading treatment or punishment by security forces; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists; serious government corruption; and extensive gender-based violence, including domestic violence, sexual violence, and femicide.

The government took steps to identify and punish officials who may have committed human rights abuses, but affected parties and civil society actors doubted their credibility.

Section 1. Respect for the Integrity of the Person

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

There were reports the government or its agents committed arbitrary or unlawful killings. In protests and related nationwide violence between

December 2022 and February, 49 civilian deaths were reported, 46 of them in the southern highlands, including 21 in the southern regions of Puno (11) and Ayacucho (10), respectively. The Inter-American Commission on Human Rights (IACHR), the UN special rapporteur on freedom of association and peaceful assembly, and several domestic and international civil society organizations stated security forces applied disproportionate, lethal force against protesters. The IACHR further reported security forces applied the most severe tactics in Indigenous-majority areas.

International and domestic organizations acknowledged violence by protesters against security forces. The IACHR and United Nations considered the police response extreme compared with violence perpetrated by protesters, both in magnitude and lethality. In March, six soldiers drowned crossing a river in Puno when protesters blocked the bridge they planned to cross. The government stated protesters harassed and threw stones at the soldiers, forcing them to detour through the river. Local witnesses, including a journalist, claimed the government's version of events was inaccurate. Another police officer, José Luis Soncco Quispe, died during protests in Puno. Forensics revealed the police officer died from a blow to the head before his body was burned inside his patrol car. A former police officer remained in pretrial detention, charged with Soncco's death.

The Attorney General's Office opened investigations into protest-related violence, including the role and culpability of President Boluarte and Prime

Minister Alberto Otárola. As part of the investigation, in May and September, Attorney General Liz Patricia Benavides summoned President Boluarte to testify. President Boluarte stated she did not know security forces' operational plans and did not order the use of lethal force against protesters. As of October 12, authorities had not publicized any findings or identified additional subjects of investigation beyond the president and prime minister. Puno-based prosecutors claimed investigations into protest-related deaths (including 17 at the Juliaca airport in Puno on January 9) allegedly by state actors were stalled because they lacked eyewitness testimonies and police operating plans to determine key details regarding what happened. The Peruvian National Police (PNP) announced its own internal investigations, and as of October 12, the PNP had dismissed eight cases without findings. Media stated police investigators had not followed PNP procedure in deciding to dismiss some cases against police agents.

On April 8, an unknown gunman killed environmental defender and Asháninka Indigenous community leader Santiago Camilo Contoricón Antúnez in Puerto Ocopa, Junín. Authorities stated the killing was a reprisal by narcotics traffickers who operated in the area. As of September 29, five individuals were under investigation for the killing. In February, courts sentenced two individuals involved in illegal logging to 28 years in prison for the 2014 murder of four Indigenous Asháninka leaders in Saweto, Ucayali. In August, however, a higher Ucayali court annulled the decision due to a lack of a "proven motive," thereby restarting the judicial process.

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 prohibited such practices, but there were reports police officers employed them. Media reported the autopsy of antigovernment protester Manuel Quilla Ticona, arrested by police in Lima on March 15 and released two days later, revealed signs of physical torture. On March 31, Quilla died, becoming the 50th civilian death due to alleged unlawful actions by security forces. Local and international nongovernmental organizations (NGOs) stated the government did not effectively prevent such 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.

Impunity was a significant problem in the security forces. The lack of repercussions for the alleged abuses by security forces during political protests in November 2020 and between December 2022 and February heightened public concern regarding accountability. Civil society

organizations asserted authorities deliberately slowed investigations to diminish public interest in the outcome.

Prison and Detention Center Conditions

Prison conditions were generally harsh due to overcrowding, unhygienic sanitation, and inadequate access to health care.

Abusive Physical Conditions: As of April, the National Penitentiary Institute reported the prison system held more than 91,000 prisoners in 68 facilities designed for 41,000 prisoners. The population of the largest prison in the country, the Miguel Castro Castro Penitentiary, commonly known as the Lurigancho prison, was almost three times above its prescribed capacity.

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. The Ombudsman's Office reported insufficient accessibility and inadequate facilities for prisoners with disabilities. Prisoners with mental disabilities usually lacked access to adequate psychological care.

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, including unannounced visits.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of persons to challenge in court the lawfulness of their arrest or detention.

The government did not always observe these requirements. The government constitutionally suspended the right to freedom from arrest without warrant in designated emergency zones during widespread political protests between December 2022 and February, as well as during states of emergency enacted in April and October due to rising crime in five municipalities.

Arrest Procedures and Treatment of Detainees

The law required a written judicial warrant based on sufficient evidence for an arrest unless authorities apprehended the alleged perpetrator in the conduct of a crime. In all other circumstances, only judges could authorize detentions. Authorities were required to arraign arrested persons within 24 hours, except in cases of suspected terrorism, drug trafficking, or espionage,

for which arraignment had to take place within 15 days. In remote areas, arraignment had to take place as soon as practicable. Military authorities were required to transfer detained persons to police within 24 hours. Police were required to file a report with the Attorney General's Office within 24 hours of an arrest, which in turn had to issue its own assessment of the legality of police action in the arrest. The law permitted detainees to have access to family members and a lawyer of their choice. Police could detain suspected terrorists incommunicado for 10 days.

Arbitrary Arrest: There were reports of arbitrary detentions in the context of antigovernment protests. This included 193 detentions in January in Lima during a raid on the National University of San Marcos. Prosecutors ordered the release of 192 detainees after 30 hours, while one person remained detained for unrelated pre-existing charges. In August prosecutors closed the case against the San Marcos protesters after finding no evidence of wrongdoing.

Pretrial Detention: Lengthy pretrial detention was a serious problem. The law allowed for pretrial detention of up to nine months in regular cases and up to 36 months in complex cases, after which courts were required to release prisoners who had not been sentenced. Judicial inefficiency, corruption, and general staff shortages caused delays in hearing cases, resulting in extended periods of pretrial detention. The length of pretrial

detention occasionally equaled but did not exceed the maximum sentence of the crime. The courts factored pretrial detention into final sentences.

e. Denial of Fair Public Trial

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

On June 21, congress voted to censure Supreme Prosecutor and former Attorney General Zoraida Ávalos Rivera, suspending her and banning her from holding public office for a period of five years. Members of congress claimed she acted unconstitutionally by suspending her investigation into then President Pedro Castillo based on the established interpretation of Article 117 of the constitution, which described presidential immunity. Ávalos accused congress of politicizing a matter of jurisprudence. Ávalos further stated, without public evidence, that Attorney General Patricia Benavides offered congress some type of political favor in exchange for a motion to suspend Ávalos. The Legal Defense Institute and other civil society organizations expressed widespread concern that congress' actions against Avalos threatened judicial autonomy and the separation of powers. On September 7, UN representatives based in the country issued a

statement expressing “profound concern” regarding purported congressional overreach, including with regard to Ávalos.

On September 12, the congressional Justice Committee began an investigation of the National Justice Council (JNJ), an autonomous government body responsible for judicial disciplinary measures and appointments. Congress stated that a May letter the JNJ sent to congress imploring members to respect the balance of power and refrain from threatening judicial autonomy constituted “serious misconduct.” The JNJ sent the letter after learning of potential congressional action to suspend Supreme Prosecutor Ávalos. Civil society representatives said some members of congress seeking to investigate the JNJ faced corruption charges themselves. Civil society representatives further suggested that self-interest motivated congressional actions to undermine judicial independence. On October 18, the Justice Committee approved a recommendation of removal of all seven members of the JNJ for purported “grave offenses.”

Trial Procedures

The law provided 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.

Defendants had the right 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 granted 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.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

The law prohibited such actions, and there were no reports the government failed to respect these prohibitions. The government maintained “emergency zones” in La Pampa due to illegal mining, as well as in the Valley

of the Apurímac, Ene, and Mantaro Rivers (VRAEM) due to drug trafficking and terrorist activity. The national declarations of emergency in those regions suspended the right to home inviolability.

Section 2. Respect for Civil Liberties

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

The constitution provided for freedom of expression, including for members of the press and other media. The government generally respected this right, but there was a significant increase in reported aggression against journalists who covered antigovernment protests. Civil society reported government attempts to limit freedom of the press, particularly reporting on antigovernment protests. In general, an independent press and democratic political system protected freedom of expression, including for media members.

Violence and Harassment: International and domestic organizations, including the National Journalists' Association, Institute for Press and Society, Association of Foreign Press of Peru, Ombudsman's Office, and the National Coordinator for Human Rights, denounced attacks on journalists. Civil society reported an increase in government, police, and societal intimidation of journalists, particularly during antigovernment protests. The

National Journalists' Association reported 153 individual attacks or forms of aggression against journalists between December 2022 and February, at the peak of antigovernment protests. Women journalists received 71 percent of online attacks.

Small political groups, such as La Resistencia and Los Insurgentes, routinely organized protests to disrupt government, civil society, and media operations. These protests normally numbered 15 to 20 persons, chanting outside of workplace entrances. According to the Legal Defense Institute, these groups regularly harassed activists and journalists they perceived to be political enemies, including at their homes. Civil society affirmed police did not effectively prevent these actions.

Libel/Slander Laws: The law treated libel and slander as criminal offenses, with penalties of up to two years' imprisonment. The Institute of Press and Society noted that while libel and slander rarely resulted in incarceration, most media members practiced self-censorship to avoid risk.

Nongovernmental Impact: The Legal Defense Institute stated 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.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful, unarmed assembly and association. Freedom of assembly could be suspended in areas under a state of emergency.

Freedom of Peaceful Assembly

The law did not require a permit for public demonstrations, but the government could restrict or prohibit demonstrations at specific times and places to ensure public safety and health. Authorities restricted access to certain public spaces in the context of antigovernment protests and in January detained protesters gathered at the National University of San Marcos in Lima. On July 19, police stopped Congresswoman Ruth Luque Ibarra on her way to join a protest, detained her without a warrant, and searched her personal belongings. As of September 18, authorities were continuing investigations into allegations of police harassment against Luque.

Police used tear gas and force to disperse protesters. Although most demonstrations were peaceful, antigovernment protests turned violent in

specific areas, and there were multiple, credible reports of lethal, disproportionate use of force by security forces that resulted in at least 50 deaths, nearly all of them in the southern region.

Due to widespread protests that began in December 2022, the national government declared a 30-day, countrywide state of emergency and enforced curfews in 15 provinces across eight regions. As the protests continued into 2023, between January and July, the national government enacted states of emergency in specific regions and provinces and on the national highway system. Other emergency zones unrelated to antigovernment protests or general crime included the VRAEM, where elements of the Militarized Communist Party of Peru and narcotics traffickers operated.

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 provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: The government declared multiple states of emergency along the national highway system, during which security forces seized belongings of presumed protesters going to Lima. In addition, the state maintained emergency zones that restricted movement in the VRAEM due to the presence of the Militarized Communist Party of Peru.

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, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had 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 did 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 in the country, and provided some administrative support toward their integration. 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 August, the government provided temporary protection to 539,000 individuals, almost all of whom were Venezuelan, while they awaited a decision on their refugee status. This protected status had no expiration date; it ended upon case resolution or if the asylum seeker withdrew the request. Venezuelan asylum seekers were also eligible for humanitarian residency migration status while pending review of their asylum applications by the Foreign Ministry.

f. Status and Treatment of Internally Displaced Persons (IDPs)

The Ministry of Women and Vulnerable Population's National Registry for Displaced Persons recognized 59,846 IDPs affected by the 1980-2000 internal conflict.

For further information concerning IDPs in the country, please see the materials of the Internal Displacement Monitoring Center:

<https://www.internal-displacement.org>.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Abuses or Irregularities in Recent Elections: The most recent national elections, held in 2021, were widely reported to be free of abuses and irregularities. Presidential runner-up Keiko Fujimori and some of her supporters presented legal challenges to the second-round result, alleging fraud. Electoral authorities reviewed the challenges and dismissed the allegations as unsubstantiated.

Electoral authorities were subject to harassment, death threats, and intimidation by some organized supporters of the fraud allegations. As of September 18, the National Elections Council (JNE), the electoral court of the country, had filed 16 police reports based on calls for violence and death threats made against JNE president Jorge Luis Salas Arenas. In July IACHR mandated the state protect the life of Salas Arenas and his family.

Political Parties and Political Participation: By law groups that advocated the violent overthrow of the government and adhered to ideologies

“intrinsically incompatible with democracy” could not register as political parties.

Section 4. Corruption in Government

The law provided 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.

Corruption: Several high-profile political figures remained under investigation for corruption, particularly in relation to the Odebrecht scandal. As of August, the attorney general was investigating six corruption cases with alleged involvement of former President Castillo and other high-level members of his government. The attorney general continued or began investigations involving the following persons: former President Castillo for his attempt to unconstitutionally dissolve congress, President Boluarte and Prime Minister Otárola for their responsibility in the December 2022 to February protest deaths, and members of the PNP and armed forces for their direct role in protest deaths and injuries.

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. As of September 14,

there were 11 legal complaints and three open investigations for malfeasance and abuse of authority against Attorney General Benavides.

There were widespread allegations of corruption in public procurement and in public-private partnerships. Large transportation and energy infrastructure contracts regularly involved high-ranking political interference and corruption, including by former presidents and regional governors. Companies also reported mid-level government officials skewed procurement contract specifications to favor bidders who paid bribes.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

Retribution against Human Rights Defenders: NGOs, fellow activists, the United Nations, and various government actors expressed concern regarding the recurrent killings of environmental activists. According to the NGO Amazon Watch, activists claimed the slow, ineffective process for punishing harassers and killers effectively led to impunity.

Government Human Rights Bodies: The independent Ombudsman's Office operated without government interference, although there were allegations congress engaged in political efforts to control the institution. Civil society members expressed concern that congress's May 17 selection of Josué Manuel Gutiérrez Condor as ombudsman reflected democratic backsliding. They noted Gutiérrez had neither the typical experience nor knowledge of human rights prior to his appointment, he had verbally attacked civil society organizations that advocated for democracy and human rights, and he allegedly came to power through vote trading and exchanges of favor within congress. Congressional committees overseeing human rights included the 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 Committees. 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 criminalized rape of men and women, including spousal rape, as well as domestic or intimate partner rape and other forms of domestic and sexual violence, such as so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. Penalties ranged from 14 years to life in prison. Enforcement of laws addressing sexual violence (defined as harassment, nonconsensual touching, and rape) and domestic violence was not effective, since it was often at the discretion of authorities, according to gender-based violence experts. Civil society and gender experts said undue dismissals of charges was common.

The law prohibited domestic violence; penalties generally ranged from one month to six years in prison. The law authorized judges and prosecutors to prevent a convicted spouse or parent from returning to the family home. The law also authorized the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. The law required a police investigation of domestic violence to take place within five days of a complaint and obliged authorities to extend protection to women survivors of domestic violence. Enforcement of the law was not effective, 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. In August, a man raped and impregnated his stepdaughter age 11. Local health authorities denied the child abortion access, against the country's laws. Due to media attention and growing public outrage, health authorities reversed their decision.

The Ministry of Women and Vulnerable Populations operated service centers for survivors 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. The National Coordinator for Human Rights expressed concern regarding the quality and quantity of the program's services, particularly in rural areas.

The Attorney General's Office operated emergency accommodations for women and children escaping domestic violence and human trafficking. The Ministry of Women and Vulnerable Populations operated a toll-free telephone hotline and implemented projects to train government employees to recognize domestic violence.

Other Forms of Gender-based Violence or Harassment: Sexual harassment was a serious problem. The law defined sexual harassment as comments, touching, or actions of a sexual nature unsolicited and unwanted by the

victim. The penalty for sexual harassment was a maximum of eight years in prison. Sexual harassment in the workplace was also a labor rights violation subject to administrative penalties. Government enforcement of the law was minimal, according to experts on gender-based violence.

The minimum sentence for femicide was generally 20 years in prison, or 30 years when the crime included aggravating circumstances (for example, crimes against a child or an elderly or pregnant victim). Police action to enforce the law was weak and slow, and prosecution of cases was often lengthy and ineffective.

Discrimination: The law provided for equality between men and women. It prohibited gender-based discrimination regarding marriage, pregnancy, pay, and property rights. Despite this, the law obliged women, but not men, 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 stipulated women should receive equal pay for equal work, but often women were paid less than men for the same job.

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

The law required public health centers to provide free access to emergency contraception, which was also available for purchase in commercial pharmacies. Medical professionals who assessed sexual assault used kits that included emergency contraception and postexposure prophylaxis as part of clinical management of rape. Kit availability varied and was not reliable in rural areas. Health centers reported that transportation and distribution-related problems delayed kit procurement and processing.

Both public and private health centers provided care for postabortion obstetric emergencies. Experts noted, however, that because abortion was criminalized, there was a risk public health centers would file 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. Abortion was legal when the health of the pregnant woman was at risk. Nonetheless, refusal to grant abortion services even in such cases, including rape, was a problem. In June the UN Committee for Children's Rights ruled the government violated the rights of a child who survived rape in 2016 by denying her access to abortion and trying her for criminal abortion charges instead.

Access to menstrual health products and adequate spaces for menstrual hygiene (including bathrooms and clinics) were problems, 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. The National Coordinator for Human Rights 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. Sexual and reproductive health-focused NGOs reported health-care staff at times threatened to withhold birth certificates, and Indigenous women in rural areas stated they 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, distance of health centers, economic hardships, and religious, spiritual, and social customs also contributed to mistrust of the state health-care system among certain populations.

Early motherhood was a risk to adolescent health. According to 2020 data (the latest available) from the *Perú Demographic and Family Health Survey*, 8 percent of girls ages 15-19 had been pregnant at least once (12 percent in rural areas, where there was a higher incidence of rape and reduced access to contraception).

Systemic Racial or Ethnic Violence and Discrimination

The constitution granted equality of rights. Racial or ethnic discrimination was a crime carrying penalties of up to four years in prison and steep fines. Enforcement was uneven and varied, subject to reasons such as case visibility, power of those affected, and corruption.

Afro-Peruvian citizens were disadvantaged by systemic, historically rooted discrimination. Afro-Peruvians had less access to rights and opportunities, including in education and health services, economic opportunities, security, and access to justice. According to Director of the Center for Ethnic Development Oswaldo Bilbao Lobaton, racial prejudices and harassment against Afro-Peruvians were common.

Indigenous Peoples

Indigenous persons were 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 operating 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 communities lacked access to equal employment opportunities and faced multiple forms of discrimination. Indigenous

leaders claimed the national and regional governments did not adequately protect their communities or their property interests.

Regulatory measures and protection responses were insufficient to deter threats posed to Indigenous environmental 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.

While the constitution recognized the right of Indigenous communities to own land communally, Indigenous groups often lacked legal title to demarcate the boundaries of their land. Amazonian Indigenous communities accused the national government of delaying the issuance of land titles. By law Indigenous communities retained the right to prevent the transfer of Indigenous land titles to outsiders. Some Indigenous community members, however, sold land to non-Indigenous persons without the majority consent of their community.

The national government retained subsurface mineral rights for land nationwide. This led to disputes among local Indigenous communities, the national government, regional governments, and various extractive industry interests. The law required the government to consult with Indigenous communities on proposed extractive projects or on changes to extractive projects already underway. The law also required 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 required the Ministry of Culture to establish a database of Indigenous communities entitled to consultation regarding extractive projects. The ministry recognized 55 groups of Indigenous persons entitled to “prior consultation” and confirmed the existence of another 24 groups of Indigenous persons “in voluntary isolation” with very limited or no contact with the rest of the country, all of them located in the Amazon rainforest. Amazon Watch and other environmental NGOs, legal experts, and the Ombudsman’s Office expressed concern Indigenous communities often did not have sufficient training to engage effectively in consultations with the government and extractive industries.

Quechua was the most widely spoken Indigenous language, with 14 percent of citizens claiming it as their first language. Quechua was a co-official national language alongside Spanish, and the law provided for access to essential public services and government action in Quechua, but enforcement was weak at the national level.

Children

Child Abuse: The law required all government authorities, courts, and social service institutions to use the “best interests of the child” standard in decisions affecting abused children. The law imposed prison sentences

ranging from six years to life imprisonment for crimes listed in the criminal code as “child abuse,” including sexual exploitation of children, child abuse, and child trafficking. Government enforcement was not effective. Police did not always collect enough evidence to meet prosecutors’ requirements to build a case, and judges regularly demanded more evidence than required, resulting in courts applying only minor, easier-to-prove charges, even in trafficking cases.

At-risk children could be placed with guardians or in specialized residential facilities for different kinds of victims. Not all shelters provided psychological care, although the law required it. In most regions, residential shelters operated by local 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 survivors that provided psychosocial, medical, and legal support.

Child, Early, and Forced Marriage: The legal minimum age of marriage was 18; however, children ages 16-17 could legally marry with authorization from a civil judge, and children ages 14 to 15 could legally marry with authorization from their parents. The government did not enforce the law effectively. Ninety-eight percent of child marriages involved a girl and an adult man. Authorities registered 4,357 child marriages between 2013 and 2022. Six of them included girls younger than 14, and 464 included girls younger than 16.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, as well as child pornography, and stipulated a penalty of six to 12 years' imprisonment and a fine. The law prohibited child sex trafficking, with prescribed penalties of 12 to 20 years in prison for survivors ages 14 to 17, and at least 25 years if the survivor was 13 or younger. Government officials and NGOs identified numerous cases of child sex trafficking during the year, although officials classified many child sex trafficking crimes as sexual exploitation, which provided fewer protections to survivors. The government did not enforce the law effectively.

The minimum age for consensual sex was 14. A conviction for rape of a child younger than 14 by an adult carried a sentence of life imprisonment. The law also prohibited adults from using deceit, abusing their 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 known reports of antisemitism.

Trafficking in Persons

See the Department of State's annual *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 were no laws criminalizing consensual same-sex sexual conduct between adults, cross-dressing, and other sexual or gender characteristic-related behaviors. Civil society organizations reported that occasionally, local-level regulations against “indecentcy” and “loitering” disproportionately affected LGBTQI+ individuals, and abuse in the application of local laws against individuals in commercial sex was more prevalent against transgender women.

Violence and Harassment: 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. An increased presence of Venezuelan criminal organizations, among them the Tren de Aragua, threatened Venezuelan transgender persons in commercial sex (and persons in commercial sex in general), many of whom were human trafficking survivors.

Discrimination: The constitution included a broad prohibition against discrimination, and individuals could file legal claims of discrimination based on sexual orientation or gender identity. The law did not specifically identify

discrimination based on sexual orientation or gender identity, and employment discrimination occurred. Few laws, however, mentioned sexual orientation and gender identity as explicit categories for protection from discrimination, which left room for interpretation that overlooked rights for LGBTQI+ persons. Some regions and municipalities, including La Libertad, Loreto, Piura, and San Martín, had regulations that explicitly prohibited discrimination against LGBTQI+ persons and provided administrative relief but not criminal charges.

The law did not explicitly recognize LGBTQI+ couples and their families and did not grant them equal rights. In Lima, immigration authorities denied a residence permit to one member of a same-sex couple married abroad who sought temporary residence in the country, despite granting residency to the other member of the couple and their two children.

Government officials, NGO representatives, journalists, and social leaders reported official and societal discrimination against LGBTQI+ persons in fair and equal access to employment, housing, education, law enforcement protection, 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 provided transgender persons the right to update their national identity documents to reflect their

gender identity, but it required a long, expensive legal challenge process with unpredictable results. Transgender persons, therefore, often did not have accurate national identification cards, which limited their access to government services. Experts and activists considered this a major obstacle for the enforcement of transgender persons' rights. Intersex and nonbinary persons lacked official gender recognition.

Involuntary or Coercive Medical or Psychological Practices: LGBTQI+ persons reported instances in which they were persuaded or forced to seek “conversion therapy” treatments to change their sexual orientation or gender identity due to “hostile family environments.” There were no reports of medically unnecessary or irreversible surgeries performed on children or nonconsenting adult persons.

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

The law prohibited discrimination against persons with disabilities. The law provided for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities, and it mandated public spaces and government internet sites be accessible to them. The law also required 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 and mostly used an approach of segregation rather than inclusion.

Accessible infrastructure varied widely according to locality, and while it existed, it was not always reliable. Accessible public transportation did not exist outside of Lima and existed only within a few routes in Lima. Local government regulations and construction licenses required public spaces and buildings to be accessible for persons with disabilities, but enforcement was unreliable, and persons with disabilities faced problems due to inaccessible or suboptimal infrastructure. Civil society organizations reported the government did not regularly consult with persons with disabilities before public infrastructure construction or renovation projects, resulting in ramps that were too steep (even at a government-hosted accessibility conference) and inconsistent sign language interpretation, even at Ministry of Culture events. Persons with disabilities faced limited access to education and employment, according to government and civil society leaders, who also noted a lack of accessible transportation and education affected almost all other areas of life, seriously detracting from employment prospects and social inclusion for persons with disabilities. According to pre-COVID-19 data, 87 percent of children with serious disabilities did not attend school.

The law established employment quotas for persons with disabilities of 3 percent for private businesses with more than 50 employees and 5 percent for public-sector organizations. The law established infractions and punishments for noncompliance, but the government rarely enforced the quotas.

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.

Other Societal Violence or Discrimination

According to observers, persons with HIV and AIDS faced widespread discrimination and harassment with respect to employment, housing, and social inclusion. 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 provided for freedom of association, the right to strike, and collective bargaining. The law prohibited intimidation by employers and other forms of antiunion discrimination. It required reinstatement or compensation of workers fired for union activity, but workers faced prolonged judicial processes and lack of enforcement following dismissals for trade union activity. The law allowed workers to form unions without seeking prior authorization. By law 20 workers or more were required to form a union or “an enterprise-level union.” Fifty workers or more constituted a sector-wide union or federation. Some labor activists viewed these requirements as prohibitively high, particularly for small and medium-sized businesses, which represented almost 97 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, which was allowed by special labor and employment laws that applied to the agricultural sector and several “nontraditional export” sectors, 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. Private-sector labor law set out nine categories of short-term employment contracts that companies could use. The law set time limits on contracts in each category and had 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 and other export sectors exempted employers from this five-year limit and allowed employers to hire workers indefinitely on short-term contracts.

The law allowed 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 also needed approval from the Ministry of Labor to strike and needed to provide enough workers during a strike to maintain operations. Neither private nor public-sector institutions could legally dismiss workers who participated in a strike.

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

Workers faced prolonged administrative and judicial processes and lack of enforcement following dismissals for trade union activity.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a national minimum wage, which was above the official estimate for the poverty income level. The law provided for a 48-hour workweek and one day of rest for workers in the formal sector. There was no prohibition on compulsory overtime, nor did the law limit the amount of overtime a worker could work. The law stipulated 30 calendar days of paid annual vacation. Domestic workers had 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 employer and

union representatives and the Health Ministry, was responsible for defining the national occupational safety and health (OSH) policy. The law established appropriate OSH standards and required employers to ensure safe workplace conditions. The government identified unsafe conditions and responded to workers' OSH complaints on occasion, but short staffing and funding limited its actions. Workers could remove themselves from situations that endangered their health without repercussions. The law required workers to prove an employer's culpability before they could obtain compensation for work-related injuries.

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 was punishable by fines, but the government rarely applied penalties against violators. According to labor NGOs 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 had the authority to make unannounced inspections and initiate charges or other penalties.

The law permitted fines and criminal charges for OSH violations. The government did not effectively enforce OSH laws. The number of labor inspectors was not sufficient to enforce compliance. Criminal penalties were limited to cases where employers were convicted of deliberately violating OSH laws and where labor authorities had previously and

repeatedly notified employers who subsequently did not adopt corrective measures.

As of August, 76 percent of workers worked in the informal sector. Labor laws and regulations were not enforced in the informal sector.