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Peru

Country:

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Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

3

Aggregate Score:

73

Freedom Rating:

2.5

Overview:

Peru has established democratic political institutions and undergone multiple peaceful transfers of power, though recent polarization has hampered normal political operations somewhat. Corruption continues to be a serious concern. Indigenous groups suffer from inadequate political representation and exclusion, though the government has taken positive steps to address this in recent years. Protests related to land use have sometimes led to violence and the use of lethal force by police.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 31 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is directly elected to a five-year term and may serve nonconsecutive terms. The 2016 election was closely contested, with Pedro Pablo Kuczynski winning by a historically small margin of just 0.2 percent over Keiko Fujimori, a legislator and daughter

of former president Alberto Fujimori. The elections took place peacefully, and stakeholders accepted the close result.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 130-member unicameral Congress are elected for five-year terms. Congressional balloting employs an open-list, region-based system of proportional representation, with a 5-percent vote hurdle for a party to enter the legislature.

Legislative elections were held concurrently with presidential election in 2016. Keiko Fujimori's Popular Force party captured 73 of the 130 seats, followed by the Broad Front with 20 seats and Kuczynski's Peruvians for Change with 18 seats. The elections were generally considered free and fair.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

While the National Board of Elections (JNE) was applauded for its efforts to improve transparency surrounding electoral processes in 2016, inadequate enforcement mechanisms led to the perception that abuse of campaign finance laws was widespread. Observers criticized the enactment of a 2015 reform to the Political Parties Law after elections had already been called, which caused confusion about which laws were in effect. However, the reform proved to be a useful tool for protecting electoral integrity, as the JNE effectively applied it in disqualifying two candidates, one of them for vote buying.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Peruvian parties, while competitive, are both highly fragmented and extremely personalized. Though there are limits on individual donations, there are no constraints on spending by political parties, offering an outsized advantage to parties able to secure abundant funds.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Opposition political parties operate freely and without undue restriction. In 2017, the opposition Popular Force party used its legislative majority as a strong counterweight to the executive, while Kuczynski's Peruvians for Change party, with just 18 seats in Congress, struggled to pass legislation.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

While voters and candidates are generally able to exercise their political choices without influence from forces that are not democratically accountable, the many avenues for corruption can allow business and other powerful interests some influence over candidates' political positions. The Roman Catholic Church receives preferential treatment from the state, and is politically influential.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The concerns of ethnic and cultural minorities, especially in remote mountain and Amazonian areas, remain inadequately addressed among parties with national scope. The 2011 Law of Prior Consultation, which guaranteed consultation with indigenous groups before mining and other projects affecting them or their land were undertaken, has fostered increased recognition of indigenous participation.

Women hold just under 30 percent of seats in Congress, and while the political participation of women has increased over recent years, they hold few leadership roles in local and regional governments.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected leaders and representatives are seated promptly, and are the key agents in creating and implementing policy. However, partisan polarization in the wake of the closely contested 2016 election posed an obstacle to legislative and political progress in 2017. President Kuczynski was defied at every turn by the Popular Force party, which censured top-level ministers, and in September won a no-confidence vote against Prime Minister Fernando Zavala, leading to his resignation. Also in September, as many as 15 ministers appointed by Kuczynski were dismissed or reassigned under pressure from the legislature. In December, Congress voted overwhelmingly to initiate impeachment proceedings against Kuczynski following revelations that his investment firm had received payments from the construction company Odebrecht. Ultimately, the measure did not secure the 87 required votes; however, the legislature's swift decision to initiate impeachment, rather than an official investigation, reflected the polarization of the legislature.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Government corruption remains a critical problem in Peru, and leaders at the highest level of politics were implicated in scandals in 2017. However, law enforcement authorities frequently investigate and prosecute corruption allegations.

Two former presidents were accused of corruption during the year. Ollanta Humala, who had been under investigation since 2016, was arrested with his wife in July on suspicion of money laundering, and both were awaiting trial at year's end. In February, the attorney general accused Alejandro Toledo of accepting \$20 million in bribes from Odebrecht, and

issued a warrant for his arrest. The Peruvian government that month requested that the United States extradite Toledo, but he remained in the United States at year's end.

The emergence of corruption allegations against Kuczynski threatened to bring down his administration in 2017. Opposing legislators in December introduced documents showing Kuczynski's investment banking firm had received nearly \$800,000 in payments from Odebrecht, including while Kuczynski was serving as economy minister and prime minister. Kuczynski denied wrongdoing, and was nearly impeached over the matter.

According to the 2016–17 Latin American Public Opinion Project (LAPOP) survey, nearly 76 percent of Peruvians think corruption is “somewhat” or “very” widespread.

C3. Does the government operate with openness and transparency? 2 / 4

Some government agencies have made progress on transparency, but much information related to defense and security policies remains classified under a 2012 law. In January 2017, the Peruvian Congress established a National Authority for Transparency and Access to Public Information within the Ministry of Justice to ensure compliance with existing law and resolve citizens' appeals. Some observers have expressed concern that the new institution lacks enforcement authority.

CIVIL LIBERTIES: 42 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Peru's dynamic press is mostly privately owned, and ownership is highly concentrated. Defamation is criminalized, and journalists are regularly convicted under such charges, though their sentences are usually suspended. Verbal and physical attacks against journalists are reported each year. Photojournalist Marco Antonio Ramón was injured in January 2017 after being shot with rubber bullets by police from close range while covering a demonstration. The following month, broadcast journalist Marco Bonifacio Sánchez, known for his sharp criticism of local authorities in Cajamarca, was attacked by unidentified assailants who attempted to cut out his tongue. Journalists José Yactayo and Julio Moisés Mesco were murdered in February, though it was unclear whether the killings were in direct relation to their work.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The Peruvian constitution guarantees freedom of religion and belief, and these rights are generally respected.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is unrestricted.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to discuss politics and sensitive topics without fear of retribution or surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

The authorities generally recognize the constitutionally guaranteed right to peaceful assembly. However, the government has frequently resorted to declarations of states of emergency in response to unrest and has done little to prevent excessive use of force by security personnel confronting protests, despite substantial efforts by the state ombudsman and the National Office of Dialogue. Local disputes and protests—often related to extractive industries, land rights, and resource allocation among marginalized populations—have resulted in deaths and injuries.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

Freedom of association is generally respected. However, efforts by environmental activists to discourage land development have been met with intimidation. In September 2017, six farmers were killed in the Amazon in an incident that appeared related to efforts by community activists to impede oil palm growers from using their lands.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Peruvian law recognizes the right of workers to organize and bargain collectively. Strikes are legal with advance notification to the Ministry of Labor, but few strikers abide by this regulation. Lengthy processes involved in registering a new union create a window in which labor leaders and activists can be easily dismissed from their jobs. Short-term contracts in many industries makes unionization difficult. Less than 10 percent of the formal workforce is unionized.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

The judiciary is perceived as among the most corrupt institutions in the country, and long-running efforts to institute reforms have yet to produce notable results. NGOs, media reports, activists, and others argue that judges are susceptible to bribery and pressure from powerful interests. However, in 2017, the courts demonstrated a willingness to support corruption investigations, and ordered the detention of several high profile individuals under investigation.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Constitutional guarantees of due process are unevenly upheld. Lawyers provided to indigent defendants are often poorly trained, and translation services are often not provided for defendants from highland or Amazonian regions who do not speak Spanish. Impunity for violence against environmental activists who challenge land development remains a problem.

Kuczynski's December 2017 decision to pardon former authoritarian president Alberto Fujimori, who was serving a 25-year sentence for human rights abuses committed while in office, sparked popular protests. The pardon came three days after Kuczynski narrowly escaped impeachment over the allegations that his firm improperly accepted payments from Odebrecht, and prompted speculation that it was granted in exchange for the anti-impeachment vote of Kenji Fujimori, a lawmaker and the son of the former president. Separately, 2017 saw the emergence of new allegations that former president Humala had ordered or was complicit in gross rights abuses during the armed conflict that took place from 1980 to 2000, and the claims were being investigated at year's end.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

According to the 2016–17 LAPOP survey, Peru has one of the highest crime victimization rates in the Americas, with over 30 percent of Peruvians reporting that they were victims of a crime in the last twelve months, though many of these were nonviolent robberies and other offenses.

The situation in Peruvian jails is extremely poor. The average prison population is more than 200 percent of capacity; 40 percent of detainees are in pretrial detention.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Discrimination against indigenous populations and Afro-Peruvians is pervasive. Environmental regulations in remote lands are not always respected, and this has, for example, resulting in the pollution of water sources used by indigenous populations. LGBT (lesbian, gay, bisexual, and transgender) people face discrimination, hostility, and violence.

The Peruvian government was widely applauded in 2017 for its treatment of Venezuelan refugees. In February, it offered special year-long visas to Venezuelans already in the country. In July, it also granted visas to thousands of Venezuelan refugees who had entered the country since.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16 (+1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4 (+1)

Peru does not place formal restrictions on movement, and movement around the country has become easier in recent years due to a decrease in protest actions that involved road blockages.

Score Change: The score improved from 3 to 4 due to a decrease in protest activities that involved the disruption of travel.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

The right to own property and establish business are mostly respected, though tensions persist between extractive industries and indigenous communities who oppose land development. The Prior Consultation Law, instituted under former president Humala's government, is designed in part to better protect indigenous rights to land. Its implementation has resulted in positive outcomes for communities that have taken part in consultation processes—though prior consultation still does not always take place.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Gender-based violence is widespread in Peru, with more than half of Peruvian women reporting instances of physical, sexual, or emotional abuse. Proposals to recognize civil unions for same-sex partners have been repeatedly introduced and rejected in Congress. In 2017, there was some backlash among conservatives against what they perceived as efforts to influence Peruvian institutions and laws toward more socially liberal policies.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Peruvian women and girls—especially from the indigenous community—fall victim to sex trafficking. Men, women, and children are subject to forced labor in mines and the informal economy. According to the U.S. State Department's 2017 *Trafficking in Persons Report*, the Peruvian government has made "significant efforts" to combat trafficking; however, it does not report sufficient data, fails to offer adequate protection to victims, and is at times complicit in impeding investigations.

Severe floods in the first months of the year left hundreds dead and thousands displaced, seriously affecting the livelihoods of survivors.

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