



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Western Hemisphere](#) » [Peru](#)

## 2009 Human Rights Report: Peru

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

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Peru is a multiparty republic with a population estimated at 29.5 million. In 2006 Alan Garcia of the Popular Revolutionary Party Alliance (APRA) won the presidency in elections that were generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, the following human rights problems were reported: abuse of detainees and inmates by police and prison security forces; harsh prison conditions; lengthy pretrial detention and inordinate trial delays; pressure on the media by local authorities; corruption; harassment of some civil society groups; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous communities, ethnic minorities, and gay and lesbian persons; failure to apply or enforce labor laws; and child labor in the informal sector.

The terrorist organization Shining Path (Sendero Luminoso), linked to narcotics trafficking, was responsible for killings and other human rights abuses.

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, in episodes of social unrest, protesters and security forces were killed.

On June 5, clashes between police and indigenous protesters in and around Bagua, Amazonas, resulted in the deaths of 10 civilians and 24 police officers (see section 6, Indigenous People).

On September 23, security forces in Bolson Cuchara, Huanuco, protecting Peruvian Coca Eradication Agency workers shot four persons attempting to impede eradication efforts, one of whom subsequently died of the wounds. On September 28, a person protecting a drug-making facility (coca maceration pit) was killed after firing at police.

A prosecutor's investigation into the September 2008 killings of four persons and the disappearance of two children during an antiterrorist operation by security forces in the Rio Seco area of the Valle de Apurimac y Ene region (VRAE) continued at year's end.

In September court proceedings began against police officer Carlos Alberto Rodriguez Huamani for allegedly killing two protesters during a February 2008 agrarian strike in Ayachucho.

There were no developments regarding the 2007 Public Ministry investigation of 10 police officers for the death of one inmate and the beating of another at a police station in Jesus Maria.

A change of judges in the Third Special Penal Superior Court interrupted oral proceedings against jailed former intelligence service director Vladimiro Montesinos, former armed services chief General Nicolas Hermoza, Colonel Roberto Huaman, and Colonel Jesus Zamudio Montesinos for alleged extrajudicial killings following the 1997 rescue of 74 hostages at the Japanese ambassador's residence. Proceedings were scheduled to resume after the court is reconstituted.

During the year a court tried and convicted former president Alberto Fujimori for authorizing the killings in 1991 at Barrios Altos and in 1992 at La Cantuta (25 years); embezzling state funds (7.5 years); ordering illegal wiretapping (six years); and bribing members of congress and illegally purchasing media outlets to support government initiatives. Fujimori remained in prison concurrently serving these sentences and an earlier six-year sentence for ordering an illegal search.

On April 27, the National Penal Court dropped charges against Ollanta Humala, a candidate in the 2006 presidential elections, in connection with killings in 1992 at the Madre Mia military base.

Juan Manuel Rivera-Rondon, implicated in the 1985 massacre of 69 villagers during a military raid in the village of Accomarca, remained in custody while on trial in the Third Supraprovincial Court. However, Telmo Ricardo Hurtado Hurtado, also implicated in the massacre, remained in a foreign country pending the outcome of extradition proceedings.

At year's end the Public Ministry continued investigating a mass grave of unknown date, discovered in 2006 in Cusco. The grave contained the remains of 80 bodies. The government's Institute of Legal Medicine awaited DNA results to help identify 25 of the exhumed bodies.

The Peruvian Forensic Anthropology Team (EPAF) identified the remains of 28 of the 92 victims found in the clandestine mass grave in the village of Putis in the department of Ayacucho. At an August 27 public ceremony, the Ayacucho Province governor, Eduardo Morales Galvez, refused to lower the national flag as civil society groups formally delivered to family members the coffins of 92 of the victims of the military massacre at Putis in 1984. Indigenous rights groups asserted that the governor's actions reflected unwillingness to recognize crimes committed during the country's internal armed conflict.

In December the EPAF analyzed 37 bodies found in a clandestine mass grave in Pucayacu, Ayacucho, and awaited the results.

During the year narcotics traffickers and members of the Shining Path terrorist organization killed 25 police officers, 51 soldiers, and an undetermined number of civilians. Between January and December, Shining Path conducted 136 terrorist acts in remote coca-growing areas. There were credible reports that women and children participated in Shining Path operations, in an attempt to thwart security force responses or to induce reactions that would result in allegations of serious human rights abuses against these forces.

On April 9, Shining Path terrorists ambushed two military patrols near the town of Sanabamba in the VRAE; 14 soldiers died in the attack. On November 5, alleged narcotics terrorists in the VRAE (Palma Pampa) kidnapped, tortured, and killed a driver for a transportation company used by the Inforegion press agency.

b. Disappearance

There were no reports of politically motivated disappearances during the year, and there were no known developments in the 2008 disappearances of two persons in the VRAE where government forces were operating.

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

The law prohibits such practices. Although there were no allegations of systematic torture, there were reports that security officials used excessive force. Authorities seldom punished those who committed abuses.

Allegations of abuse most often arose immediately following an arrest, when families were prohibited from visiting suspects and when attorneys had limited access to detainees. In some cases police and security forces allegedly threatened or harassed victims, their relatives, and witnesses to prevent them from filing charges of human rights violations. According to the nongovernmental Human Rights Commission (COMISEDH), some victims were reluctant to pursue judicial proceedings for fear that members of the security forces allegedly involved in abuses would be released without being charged. COMISEDH reported 30 cases of aggravated torture by security forces reported to provincial prosecutors.

In April the 2008 case of Luis Alberto Rojas Marin, whom police officers reportedly raped, was presented to the Inter-American Human Rights Commission (see section 6).

Prison and Detention Center Conditions

Prison conditions were harsh for the 44,800 inmates, of whom 2,794 were women. The National Penitentiary Institute (INPE) operated 56 of the country's 71 active prisons, and the National Police of Peru (PNP) has jurisdiction over the rest. Prisoners with money had access to cell phones, illegal drugs, and meals prepared outside the prison. Conditions were poor to extremely harsh in facilities for prisoners who lacked funds. Overcrowding, poor sanitation, and inadequate nutrition and health care were serious problems. Inmates had intermittent access to running water, bathing facilities were inadequate, kitchen facilities were unhygienic, and prisoners slept in hallways and common areas for lack of cell space. Tuberculosis and HIV/AIDS reportedly remained at near-epidemic levels. The San Juan de Lurigancho men's prison held 9,874 prisoners in a facility designed for 3,204.

Prisons for women were also overcrowded and marked by conditions similar to those in prisons for men. Although INPE opened a new facility for women in December 2008, prisoners complained about the dormitory-style sleeping quarters, a single room for the 67 inmates.

Conditions were especially harsh in maximum-security facilities located at high altitudes. The high-security prison in the jungle area of Iquitos was in poor condition and was under renovation. During the year the PNP transferred responsibility for operating the facility to INPE.

Prison guards and fellow inmates reportedly abused prisoners. There were deaths of inmates in prisons, most attributed to fellow inmates, but some were due to negligence by guards. Guards received little or no training or supervision. Corruption was a serious problem, and some guards cooperated with criminal bosses who oversaw the smuggling of guns and drugs into prisons.

There were no known developments regarding the 2007 killing of an inmate at Miguel Castro Castro Prison.

By December authorities had sentenced only 17,297 of the 44,800 persons held in the country's detention facilities. Authorities held detainees temporarily in pretrial detention centers located at police stations, judiciary buildings, and the Ministry of Justice. In most cases authorities held pretrial detainees with convicted prisoners.

The government permitted prison visits by independent human rights observers. The International Committee of the Red Cross made 44 unannounced visits in accordance with its standard modalities to inmates in 27 prisons and detention centers.

#### d. Arbitrary Arrest or Detention

The constitution, criminal code, and antiterrorist statutes prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

The PNP, with an officer and enlisted force of approximately 97,294, was responsible for all areas of law enforcement and internal security and functioned under the authority of the Ministry of the Interior. The PNP's organizational structure comprises directorates that specialize in specific areas (such as kidnapping, counternarcotics, and counterterrorism) and local police units. Each department, province, city, and town has a PNP presence.

The armed forces, with approximately 114,000 personnel, are responsible for external security under the authority of the Ministry of Defense, but they also have limited domestic security responsibilities.

Observers noted that the PNP was undermanned and suffered from a lack of training and professionalism. Corruption and impunity remained problems. The Ministries of Interior and Defense employ internal mechanisms to investigate security force abuses. The Public Ministry conducts investigations, although access to evidence held by the Ministry of Defense is not always forthcoming. The Ombudsman is another mechanism, although it can only refer a case to the Public Ministry. There were also several reports of military corruption, impunity, and resistance to provide information on its personnel under investigation for human rights abuses committed during the country's internal armed conflict. Security forces sought to strengthen accountability with human rights training and revision of disciplinary procedures but were doing so very slowly.

The PNP is charged with witness protection but lacked resources to provide training for officers, conceal identities, or offer logistical support to witnesses. Officers assigned to witness protection cases often brought witnesses into their homes to live.

#### Arrest Procedures and Treatment While in Detention

The law permits police to detain persons for investigative purposes. Persons were apprehended openly. The law requires a written judicial warrant based on sufficient evidence for an arrest unless the perpetrator of a crime is apprehended in the act. Only judges may authorize detentions. Authorities are required to arraign arrested persons within 24 hours, except in cases of terrorism, drug trafficking, or espionage, in which arraignment must take place within 30 days. In remote areas arraignment must take place as soon as practicable. Military authorities must turn over persons they detain to the police within 24 hours. The law requires police to file a report with the Public Ministry within 24 hours after an arrest. The Public Ministry, in turn, must issue its own assessment of the legality of the police action in the arrest, and authorities respected this right effectively in practice. A law effective on December 14 permits security forces to recover the bodies of fallen

soldiers and police without the presence of the Public Ministry and civilian authorities only with the ministry's permission. The law addresses concerns particularly in the emergency zones.

The time between an arrest and an appearance before a judge averaged 20 hours. Judges have 24 hours to decide whether to release a suspect or continue detention. A functioning bail system exists, but many poor defendants lacked the means to post bail. By law detainees are allowed access to a lawyer and to family members. Police may detain suspected terrorists incommunicado for 10 days. The Ministry of Justice provided indigent persons with access to an attorney at no cost, although these attorneys were often poorly trained. Several nongovernmental organizations (NGOs) worked with the ministry to improve their skills.

Lengthy pretrial detention was a problem. According to a study prepared by the Technical Secretary of the Special Commission for Integral Reform of the Justice System, 61 percent of those in prison were awaiting trial, the majority for between one and two years. The law requires release of prisoners who have been held more than 18 months without being sentenced; the period is extended to 36 months in complex cases.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice. NGOs and other analysts complained that the judiciary was politicized and corrupt (see section 4).

The three-tier court structure consists of lower courts, superior courts, and a Supreme Court of Justice consisting of 30 judges. Supranational courts execute judgments made by courts, such as the Inter-American Court of Human Rights, outside the domestic judicial system. The seven-person Constitutional Tribunal operates independently of the judicial branch. The independent and autonomous National Judicial Council (CNM) appoints, disciplines, and evaluates all judges and prosecutors who have served in their position for at least seven years (excluding those chosen by popular election). Lack of certification from the CNM permanently disqualifies a judge or prosecutor.

The military justice system provides the same rights as civilian courts. Under the military justice system, judges in the lower courts must pass judgment and sentence within 10 days of the opening of trial. Defendants can appeal convictions to the Superior Military Council, which has 10 days to issue a decision. A final appeal may be made to the Supreme Council of Military Justice, which must issue a ruling within five days. At the Superior Military Council and Supreme Council levels, a significant number of judges were active-duty officers with little or no professional legal training.

The National Penal Court, in accordance with decisions of both the Inter-American Court of Human Rights and the Constitutional Tribunal, continued to retry defendants previously convicted by military tribunals. The courts found eight persons guilty and absolved 14 others in terrorism cases. Approximately 38 human rights violations cases remained pending at year's end.

The National Penal Court continued investigating cases involving allegations of human rights abuses by security forces during the war against Shining Path and the Tupac Amaru Revolutionary Movement in the 1980s and 1990s. Several cases referred by the Truth and Reconciliation Commission remained pending with the court, but only a few involved active investigations.

#### Trial Procedures

The justice system is based on the Napoleonic Code. The prosecutor investigates cases and submits an opinion to a first instance judge, who determines if sufficient evidence exists to open legal proceedings. The judge conducts an investigation, evaluates facts, determines guilt or innocence, and issues a sentence. All defendants are presumed innocent; they have the right to be present at trial, to call witnesses, and to be represented by counsel, although in practice

the public defender system often failed to provide indigent defendants with qualified attorneys. The Ministry of Justice provided indigent persons with access to an attorney at no cost, although these attorneys were often poorly trained. Defendants and their attorneys generally have access to government-held evidence related to their cases for recent crimes, except in cases related to the human rights abuses of the period 1980-2000 and particularly with respect to those involving the Ministry of Defense. Although citizens have the right to be tried in their own language, language services for non-Spanish speakers, who comprise a substantial number of persons in the highlands and Amazon regions, were sometimes unavailable. Defendants may appeal verdicts to the superior court and then to the Supreme Court of Justice. The Constitutional Court decides cases involving such issues as habeas corpus.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The country has an independent judiciary that enables citizens to bring lawsuits for violations of their rights; however, court cases often continued for years, making it difficult for some plaintiffs, particularly those of limited economic means, to pursue legal redress. Press reports, NGOs, and others alleged that judges frequently were subject to corruption or influence by powerful outside actors.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. There were reports, however, that authorities sometimes entered private dwellings before obtaining a warrant.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press. Although the government generally respected these rights in practice, some civil society, media, and political opposition groups expressed concern about whether citizens could criticize the government. There were instances of harassment of the press, including attacks against and illegal arrests of journalists, by provincial authorities, the police, and nonstate actors, such as coca growers.

The independent media was active and expressed a variety of views. All media outlets were privately owned except for one government-owned daily newspaper, two television networks, and one radio station.

A number of journalists and media outlets experienced intimidation. At year's end the National Journalists Association reported 180 cases of harassment, and the Institute of Press and Society issued 87 alerts. Most incidents took the form of violent attacks, threats, judicial pressure, illegal arrests, and theft of broadcasting equipment and journalists' files. Some cases were attributable to a lack of an effective government presence in some parts of the country. Through December civil (not military or police) authorities reportedly harassed reporters in approximately 54 incidents.

A March report issued by a congressional multiparty commission headed by Congressman Walter Menchola stated that a large number of illegal radio stations in the country received foreign financing. In light of the large number of illegal radio stations—some analysts estimated at more than 2,000—the government had difficulty maintaining appropriate control over their licensing and broadcast operations. The congressional commission found that "informal radios stations in the southern region of the country incite violence and public disorder."

In June government officials accused Radio Voz de Bagua of inciting the June 5 violence in Bagua, Amazonas, that resulted in the deaths of 24 police officers and 10 civilians (see section 6, Indigenous People). Government officials and multiple witnesses accused the local radio outlet of spreading false information, fanning animosities, and inciting violence. The government subsequently stripped Radio Voz de Bagua's operating license, charging that the radio violated administrative laws and procedures. Some NGOs and press analysts asserted that the government had singled out the station for political reasons, although many other radio stations were also previously sanctioned for reasons stated in previous paragraph. A Press and Society Institute appeal to the judiciary to restore Radio Voz de Bagua's license was pending at year's end.

On February 5, journalist Julio Vazquez Calle received threatening phone calls related to the release of photographs depicting the 2005 kidnap and torture of 28 villagers at several of the Majaz mining company installations in the Piura and Cajamarca regions; police officers and company security guards were implicated in the abuses.

On February 24, regional government workers insulted and beat Marco Sanchez and Reynaldo Poma, two journalists employed by Radio Uno station in Tacna, after they denounced corruption in a technical institute managed by the regional government.

On March 4, the Quillabamba (Cusco) police arrested reporter Roberto Chalco after he denounced an increase in crimes and criticized the police.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the free expression of views via the Internet, including by e-mail. The chief impediment to Internet access was a lack of infrastructure. The International Telecommunication Union reported that there were 25 users of the Internet per 100 inhabitants.

#### Academic Freedom and Cultural Events

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

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for the right of freedom of assembly, and the government generally respected this right in practice. The government maintained emergency zones and suspended the freedom of assembly and other freedoms in coca-growing areas, where Shining Path operated. The emergency zones were located in several provinces in Ayacucho, Huancavelica, Cusco, and Junin departments. The law does not require a permit for public demonstrations, but organizers must inform the Interior Ministry's political authority (prefect) about the type of demonstration and its location. Demonstrations may be prohibited for reasons of public safety or health. The police used tear gas and occasional force to disperse protesters in various demonstrations. Although most demonstrations were peaceful, protests in some areas turned violent (see section 6, Indigenous People).

##### Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The constitution establishes separation of church and state, but certain laws favor the Roman Catholic Church. The Catholic Church and clergy received preferential treatment in education, tax benefits, and other areas. A special registry of non-Catholic religious groups allows non-Catholic churches to receive state benefits similar to those received by the Catholic Church; however, some evangelical church leaders complained about the requirement to operate for seven years before being added to the registry. The law provides that the military may hire only Catholic clergy as chaplains, and Catholicism is the only recognized religion for military personnel. The Ministry of Education requires that Catholic religion courses be taught in all public and private primary and secondary schools; however, many non-Catholic private schools were granted exemptions. Additionally, parents may request an exemption by writing to the school principal.

#### Societal Abuses and Discrimination

There were no reports of societal abuses, discrimination, or anti-Semitic acts. There were approximately 4,000 members of the Jewish community.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf/>.

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

The law provides for the right of free movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government maintained emergency zones where it restricted freedom of movement in several provinces (see section 2.b.).

The government stated that it implemented the state of emergency to maintain public peace and restore internal order. NGOs commented that the government failed to ensure that military personnel operating in the emergency zones did not use excessive force against civilians.

Narcotics traffickers and Shining Path at times interrupted the free movement of persons by establishing roadblocks in sections of the Upper Huallaga Valley and the VRAE. Occasionally protesters blocked roads to draw public attention to grievances.

The law prohibits forced internal and external exile, and the government did not use it.

#### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. Its law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government gave political asylum to several high-profile Venezuelan political figures, including former presidential candidate and Zulia state governor Manuel Rosales and several former Bolivian government ministers.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and recognized the Catholic Migration Commission (CMC) as the official provider of technical assistance to refugees. The CMC also advised citizens who feared persecution and sought asylum abroad. The government provided protection to refugees on a renewable, year-to-year basis, in accordance with CMC recommendations. By June UNHCR reported 2,503 pending refugee requests.

## Stateless Persons

Citizenship is derived either by one's birth within the territory or from one's parents' citizenship. If overseas, parents must register their child's birth by age 18 in order for the child to obtain citizenship. The law provides all citizens with the right to a name, nationality, and legal recognition; it also provides for other civil, political, economic, and social rights. More than one million citizens, however, lacked identity documents and could not fully exercise these rights. An estimated 15 percent of children under one year of age were unregistered. Poor indigenous women and children in rural areas were disproportionately represented among those lacking identity documents. Undocumented citizens faced social and political marginalization and barriers in accessing government services, including running for public office or holding title to land.

Obtaining a national identity document requires a birth certificate, but many births in rural areas occurred at home. In an effort to lower infant mortality rates, the Ministry of Health fined women who did not give birth in clinics or hospitals. Poor women often could not pay the fines and could not register their children retroactively.

The ombudsman investigated complaints about the unlawful practice of charging fees to issue identity documents and facilitated refunds when such fees had been paid. The ombudsman also helped citizens obtain documents quickly.

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

The law provides for the right of citizens to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of mandatory voting and universal suffrage.

### Elections and Political Participation

In 2006 Alan Garcia Perez assumed the presidency after two rounds of presidential elections that were considered free and fair. In the 2006 general elections, the president's APRA party won 36 seats (second to the Union for Peru Party's 45 seats) in the 120-seat unicameral Congress.

Nationwide municipal elections were held in 2006. Domestic and international observer delegations declared the elections to be fair and transparent, despite a few localized incidents of violence.

Political parties operated without restriction or outside interference. Registration of a new political party requires the signature of 1 percent of the voters who participated in the past election.

Presidential and congressional terms are five years, and the law prohibits the immediate reelection of a president. Groups that advocate the violent overthrow of government were barred from participating in the political process.

There were 32 women in the 120-member Congress. Three of 16 cabinet members were women, and there were four women on the Supreme Court. The Law on Political Parties mandates that at least 30 percent of candidates on the party lists be women. While parties abided by the legislation, many women candidates were included at the bottom of the party lists, reducing their likelihood of winning seats on regional and municipal councils.

There were 23 Quechua and two Aymara speakers in Congress. Two members of Congress identified themselves as Afro-Peruvians.

## Section 4 Official Corruption and Government Transparency

The law criminalizes official corruption; however, the government did not implement the law effectively. World Bank

Indicators reflected that government corruption was a serious problem, and there was a widespread public perception that corruption was pervasive in all branches of government.

Numerous members of Congress were involved in scandals during the year, but most cases were deemed ethics violations and handled through internal congressional investigations and discipline. The judiciary investigated a few of the cases, but no arrests were made. One such case concerned Alas Peruanas, a private university involved in multiple active judicial proceedings, which had financed controversial trips for several members of Congress, including some on the Education Committee. Several judges were also implicated in the scandal, and at year's end two Supreme Court justices were recommended for a disciplinary process by the National Council of Magistrates and faced possible dismissal as a result.

The government's major corruption-related scandal continued to revolve around wiretaps. In October 2008 unknown actors publicly released audiotapes of conversations suggesting government kickbacks associated with oil concessions. Authorities arrested a former minister (under a previous government) and Alberto Quimper Herrera of Perupetro in connection with the scandal, which was dubbed "Petroaudios." At year's end Leon remained in jail, Quimper was under house arrest, and investigations and trial proceedings continued.

On January 8, authorities arrested several individuals (including former navy intelligence officers) for conducting illegal wiretapping in connection with the Petroaudios audiotape release and began investigating the private company, Business Track, where the individuals were employed. The investigation revealed that Business Track had illegally wire-tapped several members of Congress, judges, and other high-profile individuals. But as the case unfolded, there was a perception that the judiciary sought to limit the scope of its investigation in the face of politically sensitive and potentially incriminating information, and the Supreme Court limited a Congressional investigating committee's access to the information it had under review. Congressional committee and judiciary investigations continued at year's end.

In April the Supreme Court's three-judge Permanent Criminal Chamber convicted former president Alberto Fujimori on four separate corruption charges: embezzlement, secretly purchasing a television station and newspaper, bribing members of Congress, and illegal eavesdropping. The sentences imposed were to be served concurrently with the 25-year sentence for the former president's human rights conviction.

Most public officials are subject to financial disclosure laws and must submit personal financial information to the General Comptroller's office prior to taking office and periodically thereafter.

The law provides for public access to government information, and most ministries and central offices provided information on Web sites. Implementation of the law was incomplete, particularly in rural areas, where few citizens exercised or understood their right to information. The human rights ombudsman encouraged regional governments to adopt more transparent practices for releasing information and monitored the compliance of regional governments with a law that requires public hearings at least twice a year.

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

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

Some NGOs reported that the Peruvian Agency for International Cooperation, the governing body of international technical cooperation, audited their records repeatedly, which they believed constituted harassment.

According to COMISEDH, military commanders continued to deny human rights observers access to military facilities. To obtain information about activities in those areas, NGOs had to work through the Office of the Ombudsman.

The Council for Reparations, a government entity, continued assisting persons who suffered during the 1980-2000 conflict with Shining Path. The council compiled a registry of victims, both individuals and communities, which included 62,909 individuals and 5,409 communities eligible for reparations benefits. A number of victims and family members lacking proper identity documents had difficulties registering for eligibility for the reparations program.

The government cooperated with international governmental organizations and permitted visits by UN representatives. There were several visits from UN representatives, including the special rapporteur for indigenous people in June and the regional director of the UN Office of the High Commissioner for Human Rights in December. On July 20, the special rapporteur issued a report and formal recommendations on observations of the situation of indigenous populations in the Amazon and the events of the June 5 conflict in Bagua, Amazonas. The Joint UN Program on HIV/AIDS (UNAIDS) also visited to assess the efficacy, and effectiveness, and outcomes of UNAIDS programs.

The Office of the Human Rights Ombudsman operated without government or party interference and was considered effective, although it lacked adequate resources. During the year the office issued eight reports on such issues as mental health and human rights, strengthening the National Police, and migration. The government took account of recommendations in these reports in differing degrees.

The Congress has several committees including a Human Rights Committee as well as Special Commission for Persons with Disabilities; however, they had limited policy impact.

On December 16, the president and other dignitaries broke ground on the Museum of the Memory, dedicated to the victims of the internal conflict from 1980-2000. The government overcame early reluctance in supporting the museum, which many in the security forces viewed as a tribute to the terrorists and a condemnation of police and military sacrifices in halting the violence.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged and discrimination against women, persons with disabilities, indigenous people, and racial and ethnic minorities persisted.

##### Women

The law criminalizes rape, including spousal rape, but enforcement was not effective. There were no reports on the numbers of abusers prosecuted, convicted, or punished.

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

Nonetheless, violence against women and girls, including rape, spousal abuse, and sexual, physical, and mental abuse remained a problem. Insensitivity on the part of law enforcement and judicial authorities toward female victims contributed to a societal attitude of permissiveness toward abuse. The Ministry of Women and Social Development (MIMDES) reported that there were 123 cases of femicide and attempted murder (93 murders and 30 attempts).

Many domestic abuse cases went unreported, and NGOs stated that the majority of reported cases did not result in formal charges because of fear of retaliation or the expense of filing a complaint. The protections offered were limited because of legal delays, ambiguities in the law, and the shortage of shelters for victims.

MIMDES operated the Women's Emergency Program, which included 89 centers that brought together police, prosecutors, counselors, and public welfare agents to help victims of domestic abuse. It also sought to address the legal, psychological, social, and medical problems facing victims of domestic violence. These centers handled 31,630 cases through September or an average of 160 cases a day. In August the ombudsman issued a report on the centers, which highlighted challenges such as lack of qualified professionals in all sectors and the government decentralization process that also applies to the centers.

MIMDES also operated a toll-free hotline, which answered 16,136 calls or a monthly average of 1,345 of which 94 percent sought assistance regarding family disturbances.

MIMDES continued efforts to sensitize government employees and the citizenry to domestic violence, but the ombudsman asserted that police officers reacted indifferently to charges of domestic violence, despite legal requirements to investigate the complaints.

Prostitution is legal for women over 18 years of age if they register with municipal authorities and carry a health certificate. The vast majority of prostitutes worked in the informal sector, where they lacked health protection. NGOs reported that traffickers lured some underage women into prostitution. Penalties for pimps and clients of underage prostitutes range from four to eight years in prison. There was no information on the number of cases reported, prosecuted, or convicted.

Sexual harassment was a problem. The law defines sexual harassment as a labor rights violation subject to administrative punishment. Punishments differ depending on the professional situation in which the violation took place. Government enforcement was minimally effective.

Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination, depending on the population's access to education and to reproductive health information. Access to information on contraception, and skilled attendance at delivery and in postpartum care were widely available in urban areas but not as available in the highlands and jungle. According to the World Health Organization, there are 410 maternal deaths per 100,000 live births per year. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, and property rights, and women from the upper and upper-middle classes assumed leadership roles in companies and government agencies. The law prohibits racial and sexual discrimination in employment or educational advertisements and the arbitrary dismissal of pregnant women; however, in practice, discrimination continued.

The law stipulates that women should receive equal pay for equal work. However, societal prejudice and discrimination led to disproportionate poverty and unemployment rates for women. On average, women were paid 46 percent less than men for comparable work; usually worked in less secure occupations as maids, in factories, or as street vendors; and were more likely to be illiterate due to lack of formal education.

#### Children

Citizenship is derived either by one's birth within the territory or from one's parents' citizenship. There were problems with government registration of births (see section 2.d.). Although this did not cause denial of public services, it limited access to social welfare programs and public health services.

The constitution stipulates that primary and secondary education is free; however, citizens and NGOs asserted that it was not completely free in practice and that fees due to parents associations, administrative expenses, and costs of educational materials made access more difficult for lower-income families.

Violence and sexual abuse of children were serious problems. MIMDES reported 1,650 cases of violence or sexual abuse of children five years of age and under and 3,687 cases of abuse of children ages six to 11. Many abuse cases went unreported because societal norms viewed such abuse as a family problem that should be resolved privately. The Women's Emergency Program worked to help children who were victims of violence, receiving information through the children's rights and welfare protection offices.

MIMDES' Children's Bureau coordinated government policies and programs for children and adolescents. At the grassroots level, more than 1,300 children's rights and welfare protection offices resolved complaints ranging from physical and sexual abuse of children to abandonment and failure to pay child support. Provincial or district governments operated approximately 50 percent of these offices, while schools, churches, and NGOs ran the others. Law students staffed most of the units, particularly in rural districts. When these offices could not resolve disputes, officials usually referred cases to the local prosecutors' offices of the Public Ministry, whose adjudications were legally binding and had the same force as judgments entered by a court of law.

The government worked with other Southern Common Market (MERCOSUR) members to carry out the "Nino Sur" ("Southern Child") initiative to combat the commercial sexual exploitation of children.

The law prohibits child prostitution, penalizing perpetrators with five to 12 years in prison. The country was a destination for child sex tourism, with Cusco and Iquitos as the principal locations. Involvement in child sex tourism is punishable by two to eight years in prison.

Statutory rape law differentiates between rape, rape of a person in an unconscious situation or injury, rape of a disabled person, rape of a minor less than 14 years, rape of a minor resulting in injury, and rape if the individual has a position of authority. Penalties range from six years' to life imprisonment. The penalty for involvement in child pornography is four to eight years' imprisonment and fines.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country.

The country was a source, transit point, and destination for trafficked persons. Internal trafficking was the major problem in the country. No authoritative estimates existed on the extent of international trafficking, but evidence indicated that persons were trafficked to Spain and particularly to Japan through organized criminal networks. There were reports that victims were trafficked into the country from Ecuador and Bolivia.

The government, NGOs, and international organizations reported that significant domestic trafficking occurred, particularly in districts located in the Andes or the Amazon jungle, to traffic underage girls into cities or mining areas for commercial sexual exploitation or for work as domestic servants. There were also reports of trafficking into the VRAE of victims who were forced to work in brothels and to service members of the drug-trafficking organizations. Children, along with their families, were trafficked from Chile to Peru and Bolivia to work in agriculture.

The principal victims and groups at high risk for trafficking were children and young women from rural or poor urban areas, persons living in poverty, persons with disabilities, victims of domestic abuse, illiterate persons, and persons lacking birth certificates or other identification documents.

Traffickers' methods often combined emotional manipulation and coercion. Victims were recruited by friends or acquaintances and through newspaper and Internet advertisements or street posters offering employment. Local employment agencies recruited some victims by offering poor young women from rural areas relatively well-paid "restaurant work" in Lima, Cusco, major coastal cities, and abroad. NGOs reported that the principal traffickers were local crime groups, parents of victims, and informal networks involving acquaintances or extended family members. Traffickers usually transported their victims by road, while a smaller percentage traveled by air or river. The families of the victims wittingly or unwittingly facilitated the trafficking by trusting a "friend" or a distant relative who promised the victim a job.

The law provides penalties from eight to 15 years' imprisonment for those who move a person, either within the country or to an area outside the country, for the purposes of sexual exploitation (including prostitution, sexual slavery, or pornography). If the victim is under 18 years old, the punishment is 12 to 25 years' imprisonment. Laws prohibiting kidnapping, sexual abuse, and illegal employment of minors also were used to punish those who trafficked persons. The law was not effectively enforced.

The PNP's Trafficking Investigation Unit raided clandestine brothels, rescued a number of young women, and returned victims to their families. The raids resulted in few arrests for trafficking crimes. Authorities charged most persons with pimping and related crimes. The PNP's trafficking unit reported 138 trafficking cases of which 34 were forced labor and 103 for sex trafficking. The 181 reported victims included 155 women and 26 men.

In December 2008 a court sentenced Teobaldo Saavedra Chamba, the owner of a bar in Sullana, to 12 years' imprisonment for the sexual exploitation of minors.

On October 30, Lima's 45th Court acquitted Paulina Grajeda on charges of trafficking underage female victims from Iquitos to work in her establishments in Cusco. The prosecutor's appeal of the decision was pending at year's end.

There were no known developments, and none were expected, in the case of Segundo Yoel Merino Sanchez, arrested in December 2008 by authorities in Piura for exploitation of minors.

By year's end Carlos Arturo Yong Chong was in prison sentenced to 12 years' imprisonment for trafficking of minors, counterfeiting of documents, and illegal abortions.

The government coordinated with NGOs to protect and assist victims. One example is a Catholic order, the Sisters of Adoration, which operated three programs for underage female prostitutes: a live-in center for approximately 75 girls and 20 children of the victims in Callao and two drop-in centers in Lima and Chiclayo. All facilities offered medical attention, job training, and self-esteem workshops designed to keep underage girls from the streets. The government provided the building in Callao and paid for upkeep, utilities, and food.

The Ministry of Interior's Office of Human Rights maintained a toll-free trafficking hotline. The hotline staff received support from the International Organization for Migration, which assisted in informational campaigns and training government officials in trafficking issues. The Ministry of Foreign Affairs produced and distributed antitrafficking materials to domestic passport offices and overseas consular posts.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities and provides for their protection, care, rehabilitation, and security; mandates that public spaces be free of barriers and accessible to persons with disabilities; and provides for the appointment of a disability rights specialist in the ombudsman's office. However, the government devoted limited

resources to enforcement and training, and many persons with physical disabilities remained economically and socially marginalized. The government made little effort to ensure access to public buildings. There were no interpreters for the deaf in government offices and no access to recordings or braille for the blind.

The government failed to enforce laws assigning the state responsibility for safeguarding and attending to persons with mental health problems in situations of social abandonment. The number of medical personnel in psychiatric institutions was insufficient; in some cases patients cared for each other. The NGOs Mental Disability Rights International and Association for Human Rights reported that the government did not protect adequately the rights of persons with mental illnesses, including inhuman treatment of institutionalized patients, discrimination in the provision of health and social services, and failure to ensure informed consent.

MIMDES' National Council of the Person with Disabilities (CONADIS) is responsible for protecting the rights of persons with disabilities. CONADIS continued to work with NGO Sense International to provide educational, vocational, and training services for meeting the needs of deaf and blind persons, foster increased public awareness, and integrate deaf and blind persons into society.

#### National/Racial/Ethnic Minorities

The law provides all citizens equality before the law and forbids discrimination on the basis of race, national origin, or language.

The population includes large minorities of persons of Asian and African descent. Afro-Peruvians, who were among the poorest groups in the country, faced discrimination and social prejudice. Afro-Peruvians generally did not hold leadership positions in government, business, or the military. Few Afro-Peruvians served as officers in either the navy or the air force. Although the law prohibits mentioning race in job advertisements, NGOs alleged that employers often found ways to refuse Afro-Peruvians jobs or relegate them to low-paying service positions. Employers often required applicants to submit photos. The media often portrayed Afro-Peruvians as stereotypes.

In July several civil society organizations submitted an alternative report to the Committee on the Elimination of Racial Discrimination (CERD) on the state of racism in the country, as the government did not consult with them for the official report or hearings (see section 5). The NGOs asserted that the government has not adopted real and effective mechanisms at the national level to guarantee the rights of groups protected by the CERD convention.

On November 28, in an executive resolution published in *El Peruano*, the government formally apologized to the nation's Afro-descendant populations for abuse, exclusion, and discrimination perpetrated against them, from the colonial era until the present.

#### Indigenous People

The law prohibits discrimination based on race and provides for the right of all citizens to speak their native language. While Spanish and Quechua are the official languages, the government also recognizes 49 other indigenous languages. The government did not provide sufficient resources to protect effectively the civil and political rights of indigenous persons.

Most indigenous persons and those with indigenous features faced societal discrimination and prejudice. They were often the victims of derogatory comments and subjected to illegal discrimination in restaurants and clubs.

Language barriers and inadequate infrastructure in indigenous communities impeded the full participation of indigenous persons in the political process. Many indigenous persons lacked identity documents and could not exercise basic rights.

The geographic isolation of highland and Amazon jungle communities contributed to their social, economic, and political marginalization. Child mortality rates were higher in indigenous areas, and only 20 percent of births took place in public health centers.

While the constitution recognizes that indigenous persons have the right to communal land ownership, indigenous groups often lacked legal title to demarcate the boundaries of their lands, making it difficult to resist encroachment by outsiders. By law local communities retain the right of unassignability to prevent the reassignment of indigenous land titles to nonindigenous tenants. However, some members of indigenous communities sold land to outsiders without the consent of the majority of their community. Mineral or other subsoil rights belong to the state, a situation that often caused conflict between mining interests and indigenous communities.

On June 5, security forces dispersed demonstrators who had been blocking roads in and around Bagua, Amazonas, for several months, demanding the repeal of certain legislative decrees. Indigenous community representatives argued that the decrees were unconstitutional because the government had failed to consult with the communities prior to their approval. Clashes between police and protesters left 10 civilians and 24 police officers dead and several injured. Following the conflict, the government participated in negotiations with indigenous community representatives and, on June 15, signed a 12-point agreement with indigenous leaders, which led to the repeal of two of the presidential decrees that sparked the protests. Four working groups established to address issues leading to these clashes completed their tasks in December. A December 21 report on the events in Bagua assigned blame broadly, including to the government and the indigenous community.

The constitution provides that all citizens have the right to use their own language before any authority by means of an interpreter. In Congress native speakers of Quechua conducted some debate in Quechua (translators were available for non-Quechua speakers). The National Program of Mobilization for Literacy continued teaching basic literacy and mathematics to poor men and women throughout the country.

The National Institute of Development of Andean, Amazonian, and Afro-Peruvians (INDEPA) is a government entity with the mission to formulate and adopt national development policies, programs, and projects for Andean, Amazonian, and Afro-Peruvian communities. INDEPA's board includes four Andean, three Amazonian, and two Afro-Peruvian representatives elected by popular vote in their respective communities. INDEPA lacked a separate budget and was ineffective.

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

There are no laws prohibiting discrimination against persons based on sexual orientation; however, government authorities including the police, sometimes harassed and abused homosexual persons. There were cases of discrimination against persons based on sexual orientation.

The Ministry of the Interior's *Handbook of Human Rights Applied to the Civil Police* stipulates that police must respect human rights, especially of the most vulnerable groups, and refers explicitly to the human rights of lesbians, gays, and transvestites. Although discrimination based on sexual orientation was a problem as seen in the expulsion of a gay student from a police academy, on December 9, the Constitutional Tribunal ordered the student to be reinstated.

Promsex, an NGO and member of the Peruvian Network (Red Peruana TLGB) focused on gay, lesbian, bisexual, and transgender rights reported that there were no impediments to their operation or free association. They also lobbied

Congress to pass a Hate Crimes Law, which was delivered to the Human Rights Committee of the Congress on October 23.

On January 29, a transgender woman, known as Techí, was kidnapped and tortured by members of a local neighborhood watch patrol in Tarapoto. In April local prosecutors presented the case to the Second Court of Tarapoto.

On April 14, the NGO Promsex and other NGOs sent the 2008 case of the rape of Luis Alberto Rojas Marin to the Inter-American Human Rights Commission; the commission rejected the petition on August 27.

Several gay pride marches occurred in Lima, including the Fifth Annual Festival of Sexual Diversity on January 11 and a lesbian march on October 13. By law organizers must inform the Ministry of Interior of intentions to hold a public gathering. There were no impediments or incidents for the festival, although there was a problem with police for the October march as they had not requested authorization.

There was no official or societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care although there were cases in each at year's end.

#### Other Societal Violence or Discrimination

Persons with HIV/AIDS faced extensive discrimination and harassment.

The Ministry of Health executed policies to combat discrimination based on HIV/AIDS status, including a four-year strategic plan to prevent and control HIV/AIDS. Some of these policies enjoyed success, such as in treatment of HIV/AIDS, but observers noted that education and prevention programs needed strengthening.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides for the right of association. Regulations allow workers to form unions on the basis of their occupation, employer affiliation, or geographic territory. Workers are not required to seek authorization prior to forming a trade union, and employers cannot prevent employment because of union membership. Judges, prosecutors, and members of the police and military are not permitted to form or join unions. More than 70 percent of the 14 million-member labor force worked in the informal sector. The Ministry of Labor (MOL) reported that approximately 9.5 percent of the labor force was unionized.

Many businesses hired temporary or contract workers who were legally not permitted to participate in those firms' unions. Although the law forbids businesses from hiring temporary workers to perform core company work functions, employers circumvented these restrictions in a number of ways. In June 2008, however, the government enacted a law governing subcontracting that requires businesses to monitor their contractors and imposes liability on businesses for the actions of their contractors.

Workers in nontraditional export sectors (fishing, wood and paper, nonmetallic minerals, jewelry, textile, and agroindustry) have their associational rights limited by two regulations currently in force. Especially notable is Legislative Decree No. 728, which calls for nine different categories of employment contracts under which workers can be hired in response to particular circumstances. These types of contracts include temporary, project, or seasonal contracts. Another decree allows employers to hire workers on a series of short-term contracts without requiring that the workers be made permanent.

The constitution provides for the right to strike with certain limitations. Unions in essential public services, as determined by the government, must provide a sufficient number of workers during a strike to maintain operations. The law bans government unions in essential public services from striking. It also requires strikers to notify the MOL before carrying out a job action, which is contrary to International Labor Organization (ILO) policy that this responsibility should rest with an independent body, especially in cases involving the public sector.

During the year the government declared legal seven out of 84 strikes. According to labor leaders, permission to strike was difficult to obtain, in part because the MOL feared harming the economy. The MOL justified its decisions in such cases by citing unions' failure to fulfill the legal requirements necessary to strike. The law allows unions to declare a strike in accordance with its own statutes; it also allows nonunion workers to declare a strike with a majority vote so long as the written act is notarized and announced at least five working days prior to a strike. The difference between a legal and an illegal strike to the worker is that there exists some recourse associated with the length allowed under the legal strike.

In spite of improvements in the laws that make it easier for workers to call a legal strike, employers continue to dismiss workers for exercising the right to strike. Drawn-out judicial processes and lack of enforcement following strike-related dismissals threaten to nullify improvements to the legal framework. A local NGO stated that 75 percent of strikes were based on lack of enforcement of decisions and not wage issues.

#### b. The Right to Organize and Bargain Collectively

The law recognizes the right of public and private sector workers to organize and bargain collectively but specifies that this right must be exercised in harmony with broader social objectives. A union must represent at least 20 workers to become an official collective bargaining agent. Union representatives have the right to participate in collective bargaining negotiations and establish negotiating timetables.

Although a conciliation and arbitration system exists, union officials complained that the high cost of arbitration made it difficult to use. Also, many refused to be bound to the decisions and appealed to the constitutional court.

The law prohibits antiunion discrimination and other forms of employer intimidation, and workers fired for union activity have the right to reinstatement. However, the government did not effectively enforce the law, and employers engaged in antiunion practices. The International Trade Union Confederation (ITUC) notes that the Law of Productivity and Competitiveness legalizes unfair dismissals by giving companies the right to fire employees without justification if they offer severance pay fixed by the law. The ITUC alleged that unionists were pressured to accept the severance pay and were threatened with nonrenewal of contract under this law.

In December 2008, 27 workers were dismissed from Goodyear Peru: some were fired outright, while others reported being forced to sign voluntary resignation letters. Of the 27 workers who lost their jobs, 10 were founding members of the union, four were union officers, and the majority had more than 20 years of service to the company. The workers were dismissed just as their union began talks with the management on issues including freedom of association, collective bargaining, and the right to protection from arbitrary dismissals.

In March 600 workers were summarily fired at SiderPeru Iron and Steel Company in Chimbote.

While there are no known special exemptions or exemptions from regular labor laws in export processing zones (EPZs), businesses in EPZs had more flexibility under the law in hiring temporary labor. According to the MOL there is one recognized public-sector union with 122 members in one of the four EPZs. All labor in the EPZs (estimated at no more than 500 workers) was subcontracted.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including labor by children; however, there were reports that such practices occurred.

The ILO estimated that between 20,000 and 40,000 persons worked as forced laborers, primarily in the logging industry in two departments in the Amazon. The ILO's Committee of Experts (COE) in 2008 observed that forced labor practices, including slavery and debt bondage, affected many workers from indigenous communities. The COE called upon the government to take the necessary measures to criminalize and repress practices of forced labor in criminal law.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Laws exist to protect children from exploitation in the workplace and prohibit forced or compulsory labor; however, in practice, child labor remained a serious problem, and the laws were violated routinely in the informal sector. The ILO estimated that during the year there were approximately two million working children in the country. Child labor was a serious problem in gold mining, brick and fireworks manufacturing, stone extraction, timber production, brazil-nut production, and coca production.

The legal minimum age for employment is 14. However, children between the ages of 12 and 14 may work in certain jobs for up to four hours per day, and adolescents between ages 15 and 17 may work up to six hours per day if they obtain special permission from the MOL and certify that they are attending school. In certain sectors of the economy, higher minimums were in force: age 15 in industrial, commercial, or mining and age 16 in fishing. The government specifically prohibits a number of occupations considered hazardous for children, including working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, or working at night. The law prohibits work that jeopardizes the health of children and adolescents, puts their physical, mental, and emotional development at risk or prevents regular attendance at school.

The MOL's Office of Labor Protection for Minors may issue permits authorizing persons under age 18 to work legally and granted 768 such permits through October, which went to children between ages 16 and 17. Parents must apply for the permits, and employers must have a permit on file to hire a child. In many cases the child is working alongside the parents in the family business usually in the areas identified in sectors above.

The MOL is responsible for enforcing child labor laws, and its inspectors may investigate reports of illegal child labor. The ministry stated that inspectors conducted routine visits without notice to areas where persons or organizations reported child labor problems. The government reported that it fined and suspended operations of firms that violated labor laws.

Inspectors maintained contact with a wide variety of local NGOs, church officials, law enforcement officials, and school officials. Through November there were 412 labor inspectors (233 in Lima) whose inspections focused on the formal sector.

The Office of the Ombudsman for Children and Adolescents (DEMUNA) worked with the MOL to document complaints regarding violations of child labor laws. There were more than 1,000 DEMUNA offices in municipalities throughout the country. DEMUNA also operated a decentralized child labor reporting and tracking system. MIMDES administered a program that sent specialized teachers to the streets to provide education and support to minors involved in begging and other kinds of work.

The National Inter-sectoral Commission for the Eradication of Forced Labor, a government entity, operated a program in Huachipa that targeted 150 children and adolescents working in brick making and other industries. The program provided information to raise awareness within the community about child labor, education for child workers, and assistance to parents to develop skills to find alternative employment.

#### e. Acceptable Conditions of Work

The law states that workers should receive a just and sufficient wage determined by the government in consultation with labor and business representatives, as well as adequate protection against arbitrary dismissal. The statutory monthly minimum wage is 550 soles (\$192), which did not provide a decent standard of living for many families. The government estimated the poverty line to be approximately 207 soles (\$72) a month per person, a figure that varied by region. The MOL enforced the minimum wage only in the formal sector, which employed approximately 30 percent of the labor force, and many workers in the unregulated informal sector, most of whom were self-employed, received less. During the year labor representatives boycotted the National Labor Council, citing the government's refusal to raise the minimum wage.

The law provides for a 48-hour workweek and one day of rest and requires companies to pay overtime for more than eight hours of work per day and additional compensation for work at night. Labor, business, and the government reported that the majority of companies in the formal sector generally complied with the law.

On March 30, a supreme decree was passed which clearly states what are acts of discrimination against domestic workers. Employers have frequently required long hours from domestics and paid low wages.

Although occupational health and safety standards exist, the government often did not devote sufficient personnel, technical, and financial resources to enforce compliance with labor laws. Labor sources claimed that many inspectors were forced to pay for transportation to sites and were often harassed or refused entry by businesses. Many fines went uncollected, in part because the MOL lacked an efficient tracking system.

According to the MOL, its inspectors conducted 71,321 visits to worksites, including orientation (21 percent) and inspection (79 percent) and levied 882 fines on 8,132 companies, 337 for health and safety violations.

The National Federation of Mineworkers reported that, between January and October, 50 miners died in mining accidents mainly as a result of rockslides, falls, and asphyxiation among others.

In cases of industrial accidents, an agreement between the employer and worker usually determined compensation. The worker did not need to prove an employer's culpability in order to obtain compensation for work-related injuries. No provisions exist for workers to remove themselves from potentially dangerous situations without jeopardizing employment.