

## FREEDOM IN THE WORLD

# Peru

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### OVERVIEW:

**Leftist candidate Ollanta Humala was elected president in June 2011. He defeated Keiko Fujimori, the daughter of former authoritarian president Alberto Fujimori, in a contest characterized by stark polarization. Humala enjoyed a brief honeymoon, but by year's end he had been challenged by strong antimining protests that led to a state of emergency in the Cajamarca department in December.**

After achieving independence from Spain in 1821, Peru experienced alternating periods of civilian and military rule. Civilians have held office since a 12-year dictatorship ended in 1980. However, that year, a Maoist guerrilla group known as the Shining Path launched a vicious two-decade insurgency. The conflict led to the deaths of some 69,000 people, nearly three-fourths of whom were residents of poor highland villages.

Alberto Fujimori, a university rector and engineer, was elected president in 1990. In 1992, backed by the military, he suspended the constitution, took over the judiciary, and dissolved Congress. A new constitution featuring a stronger presidency and a unicameral Congress was approved in a state-controlled 1993 referendum. Congress passed a law in 1996 that allowed Fujimori to run for a third term, despite a constitutional two-term limit.

According to official results, Fujimori outpolled Alejandro Toledo—a U.S.-educated economist who had been raised in one of Peru's urban squatter settlements—in the first round of the 2000 presidential election. Toledo boycotted the runoff, pointing to widespread doubts about the vote count and a variety of underhanded tactics by the Fujimori camp.

Beginning in September 2000, a series of videotapes emerged showing intelligence chief Vladimiro Montesinos bribing congressmen and other figures. As a result, in late November, opposition forces assumed control of Congress, Fujimori fled to Japan and resigned, and respected opposition leader Valentín Paniagua was chosen as interim president. Toledo's Perú Posible party led the April 2001 congressional elections, and he bested former president Alan García (1985–90) in a runoff presidential election in June.

In 2004, a special anticorruption court convicted Montesinos in the first of many cases against him, sentencing him to 15 years in prison. Fujimori flew to Chile from Japan in 2005 in the hopes of mounting a 2006 presidential bid in Peru, but he was immediately detained as Peru requested his extradition.

Ollanta Humala of the Peruvian Nationalist Party (PNP) won the first round of the presidential election in April 2006, with García placing second. The PNP and its allies led the congressional elections, followed by García's Peruvian Aprista Party (APRA) and other right-of-center groups. García won the June presidential runoff with 52.5 percent of the vote. Once in office, he focused on macroeconomic growth and stability for foreign investors.

## 2012 SCORES

### STATUS

**Free**

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**2.5**

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**3**

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Fujimori was extradited from Chile in 2007, and in April 2009 he was sentenced to 25 years in prison for overseeing death-squad killings and two kidnappings. International observers and local rights groups hailed the verdict as an unprecedented example of a democratically elected head of state convicted of human rights violations in his home country.

In June 2009, a violent confrontation in the town of Bagua between police and a group of mainly indigenous protesters left 10 protesters and 23 police officers dead and over 200 people injured. The protesters had objected to June 2008 government decrees that they said violated their land rights. The disputed decrees were rescinded, and the government acknowledged its failure to consult with locals, though it blamed outside agitators for raising tensions. A commission appointed to produce an official report on the incident was unable to reach consensus.

With three other candidates dividing the center and center-right vote, the leftist Humala and right-wing Keiko Fujimori, daughter of the former president, led the April first round of the 2011 presidential election, taking 32 percent and 23 percent, respectively. In concurrent legislative elections, an alliance led by Humala's PNP captured 47 of the 130 seats, followed by Fujimori's Force 2011 party with 38 seats and Toledo's Perú Posible with 21 seats. APRA largely collapsed, capturing just four seats.

The run-up to the presidential second round in June was characterized by sharp polarization. Fujimori portrayed Humala as a clone of Venezuela's populist president Hugo Chávez, though Humala sought to align himself with the more moderate former Brazilian president Luiz Inácio Lula da Silva. Meanwhile, Fujimori backers hoped for a continuation of García's business-friendly economic growth formula, even as opponents tied her to her father's authoritarianism. Many of the country's major print and broadcast media outlets clearly favored Fujimori. Several journalists were dismissed for failing to toe their outlets' pro-Fujimori line, though there were also some reports of Humala backers harassing critical journalists. Humala ultimately won by a margin of three percentage points.

The new president's Peru Wins alliance forged a congressional majority with Perú Posible. The administration's early successes included a new pension for senior citizens, an increase in the state's share of mining revenues, and unanimous passage of the Law of Prior Consultation, which holds that native communities must be consulted on development projects in their areas. However, social conflict reemerged, as opposition to a proposed gold mine in the northern region of Cajamarca led to large-scale protests and scores of injuries. Humala suspended the project but insisted on the importance of mining investments. In early December he reversed course, declaring a state of emergency in several of the affected areas and breaking off talks. He also oversaw a cabinet shuffle that included the resignation of Prime Minister Salomón Lerner. In a marked shift to the right, he was replaced by former army officer Oscar Valdés, adding to suspicions among some initial Humala supporters—not shared by other observers—that the government was undergoing a process of militarization.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

Peru is an electoral democracy. The 2011 elections were generally free and fair, according to international observers. However, shortcomings included lack of enforcement of campaign finance norms and pressure on media outlets by powerful economic interests in support of losing candidate Keiko Fujimori.

The president and 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. A lack of programmatic coherence among parties and occasional party-switching by politicians have reinforced a broader trend toward political fragmentation. However, regional presidents have become important actors, and the regional and local elections in October 2010 resulted in a moderately increased consolidation of regional political movements, which generally remain separate from the congressional parties.

Corruption is a serious problem. Checks on campaign financing are particularly weak at the local level, where drug traffickers' influence is perceived to have grown in recent years. Peruvians rated corruption as the most negative aspect of outgoing president Alan García's administration, with Congress considered the most corrupt institution. The new legislature in 2011 appointed a commission to investigate corruption among García officials, though nearly a dozen new members of Congress also faced investigations for various alleged crimes. Two members had been suspended by year's end, along with Vice President Omar Chehade, who was accused of influence trafficking on behalf of a supermarket chain. Peru was ranked 80 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

The lively press is for the most part privately owned. Officials and private actors sometimes intimidate or even attack journalists in response to negative coverage. In addition to pressure by outlet owners, low pay leaves reporters susceptible to bribery, and media outlets remain dependent on advertising by large retailers. A congressionally approved measure to decriminalize defamation was not enacted in 2011, and several journalists were convicted during the year. Most received fines and suspended sentences, but journalist Paul Garay spent six months in jail before being acquitted on appeal and freed in October. In addition, two journalists were murdered in unrelated incidents in Ancash and Ica in September. The government does not limit access to the internet.

The constitution provides for freedom of religion, and the government generally respects it in practice. However, the Roman Catholic Church receives preferential treatment from the state. The government does not restrict academic freedom.

The constitution provides for the right to peaceful assembly, and the authorities uphold this right for the most part. However, the executive branch has issued several decrees in recent years that limit police and military responsibility in the event of injury or death during demonstrations. According to the government, 191 Peruvians died in episodes of social conflict during the García administration, including 38 police and soldiers; several thousand others faced charges for protest-related incidents. Analysts frequently observe that the government's approach to local grievances, which often involve environmental issues, typically relies on reaction rather than mediation and early intervention.

Freedom of association is generally respected, but García and other APRA leaders often alleged that nongovernmental organizations (NGOs) hinder economic development, and in September 2011 Defense Minister Daniel Mora accused two prominent NGOs of coordinating human rights accusations in an attempt to "make the armed forces disappear." Antimining activists have faced questionable legal charges in recent years; soon after the December emergency declaration, Cajamarca activist Wilfredo Saavedra was arbitrarily detained in Lima for 10 hours before being released.

Peruvian law recognizes the right of workers to organize and bargain collectively. Workers must notify the Ministry of Labor in advance of a strike, with the result that nearly all strikes are categorized as illegal in practice. Less than 10 percent of the formal-sector workforce is unionized. Parallel unionism and criminal infiltration of the construction sector in Lima have led to a series of disputes and murders.

The judiciary is widely distrusted and prone to corruption scandals. While the Constitutional Court is relatively independent, its autonomy has undergone a mix of setbacks and advances in recent years. A 2008 Judicial Career Law improved the entry, promotion, and evaluation system for judges, and the judiciary's internal disciplinary body has been highly active. At least 43 judges, including some high-profile jurists, were dismissed as unsuitable or corrupt in 2011.

A significant majority of inmates are in pretrial detention, and the inmate population is far above the system's intended capacity. Since 2006, an adversarial justice system designed to improve the speed and fairness of judicial proceedings has slowly been implemented. Access to justice, particularly for poor Peruvians, remains problematic, and crime has risen. In a June 2011 poll, 42 percent of Lima residents reported being the victim of a

crime in the previous year. The Humala administration initiated an overhaul of the police in October, forcing 30 generals into retirement.

The military has improved its human rights training, but it continues to place numerous obstacles in the path of investigators regarding past violations. The García government made almost no efforts to prioritize justice for cases of human rights abuses by state actors during the 1980s and 1990s. In September 2010, the government announced a decree that would have applied a statute of limitations to grave human rights abuses committed during the internal conflict. After it faced immediate domestic and international objections, Congress, at García's request, rescinded the measure later that month. In March 2011, the Constitutional Court officially declared the decree unconstitutional. Other decrees announced in September 2010, expanding the military's internal role and extending the reach of the military justice system, remained in force. Also in 2011, Fujimori supporters periodically called for a presidential pardon for the former leader, and political backing for such a move appeared to have grown by year's end.

Remnants of the Shining Path, which are involved in the drug trade, continue to clash with security forces in the Apurímac-Ene River Valley (VRAE) and Upper Huallaga zones. The García government's coca-eradication efforts and economic development programs in other regions failed to reverse a trend toward increased coca production. Humala appointed a noted eradication skeptic as head of the antidrug agency in 2011, but the degree of change in antidrug policy remained unclear at year's end.

Discrimination against the indigenous population remains pervasive, as demonstrated by the racist anti-Humala language that frequently appeared in online social media during the 2011 presidential campaign. The Law of Prior Consultation, passed after Humala's victory, was still awaiting implementing regulations at year's end, and the spike in violent protests and state of emergency late in the year fueled worries that the government's need for mining revenue would continue to take precedence over indigenous people's environmental concerns.

In recent years, women have advanced into leadership roles in various companies and government agencies. Although legal protections have improved, domestic violence is epidemic, with over half of Peruvian women reporting instances of physical or emotional abuse. In December 2011, Congress passed a law increasing penalties for the crime of femicide. Forced labor, including child labor, persists in the gold-mining region of the Amazon.

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