

# PERU 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Peru is a constitutional, multiparty republic. Ollanta Humala Tasso of the Peruvian Nationalist Party (part of the Gana Peru electoral alliance) won the June 2011 national elections in a vote widely considered free and fair. Civilian authorities maintained effective control over the security forces.

The most serious human rights problems included violence against women and children, trafficking in persons, and corruption and impunity that undermined the rule of law.

The following human rights problems also were reported: harsh prison conditions, abuse of detainees and inmates by prison security forces, lengthy pretrial detention, inordinate trial delays, intimidation of the media, threats towards human rights activists, limits on religious freedom, and incomplete registration of internally displaced persons (IDPs). In addition there was discrimination against women; individuals with disabilities; members of racial and ethnic minority groups; indigenous persons; lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and persons with HIV/AIDS. Socioenvironmental conflicts involving extractive industries and development projects occurred and sometimes turned violent. Other problems were a lack of labor law enforcement and the use of child labor, particularly in informal sectors.

The government took steps to investigate, and in some cases prosecute or otherwise punish, public officials accused of abuses. Officials sometimes engaged in corrupt practices with impunity.

The terrorist organization Sendero Luminoso (Shining Path) was responsible for killings and other abuses, including kidnapping and forced recruitment of child soldiers, extortion, and intimidation. The government maintained an active counterterrorism campaign against the Shining Path.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings. Police, however, killed three persons and injured 26 others

during a protest at the Las Bambas copper mine in Apurimac Region on September 29. At year's end the Apurimac Prosecutor's Office was investigating the Las Bambas violence. Similarly, four protesters and one police officer were killed and dozens of others were injured during the April-May Tia Maria mining protests in the southern Arequipa Region (see section 6, Other Societal Violence or Discrimination).

As of October former regional president Cesar Alvarez, the mayor of the Santa District (who also belonged to Alvarez's political party), and 17 other associates were in custody for the March 2014 killing of former Ancash regional government council member Ezequiel Nolasco. Various court proceedings were underway.

The investigation into the September 2014 alleged police shooting and killing of 17-year-old Jean Pierre Huilca Pereyra was pending at year's end. The incident occurred during protests against a proposed gas plant in La Convencion Province, Cusco Region.

The Shining Path conducted several terrorist acts during the year that resulted in deaths and injuries (see section 1.g., Killings).

On June 29, the Inter-American Court of Human Rights ruled the government was responsible for the extrajudicial killing of Eduardo Nicolas Cruz Sanchez--a member of the Tupac Amaru Revolutionary Movement (MRTA) terrorist organization who surrendered during the 1997 military raid (Operation Chavin de Huantar) in Lima. The raid ended the hostage crisis at the Japanese ambassador's residence, which MRTA terrorists had taken over. While the court recognized that the government had the right to use violence to rescue the hostages, it also ruled that there was sufficient evidence to show Cruz was killed after he had surrendered. The court ordered the government to perform a serious and effective investigation to identify, prosecute, and sanction those responsible for the killing. The court also awarded \$30,000 to the two nongovernmental organizations (NGOs) that brought the case to cover legal fees and the costs for psychological treatment of Cruz's brother. The government did not challenge the court's decision, which backed two previous Peruvian court decisions, and at year's end was considering how to implement the orders. In August police arrested retired army colonel Jesus Zamudio Aliaga for allegedly ordering the execution of Cruz. He was in prison awaiting trial as of December.

## **b. Disappearance**

There were no reports of politically motivated disappearances during the year. The government, however, continued to address disappearances from the country's internal conflict of 1980-2000. The Truth and Reconciliation Commission estimated that more than 16,000 people were disappeared during this period. In June the UN Working Group for Disappearances visited the country to examine the disappearances.

According to the Public Ministry (Prosecutor's Office), 3,202 sets of human remains representing disappeared persons were recovered from clandestine burials as of October. DNA results identified 1,833 remains from the burials.

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

The law prohibits such practices. Local NGOs, however, reported that torture continued to be a problem, primarily within the police force, and stated the government did not effectively prevent and punish those who committed such abuses.

According to the local NGO Human Rights Commission (COMISEDH), many victims did not make formal complaints about their alleged torture, and those who did so purportedly had difficulty obtaining judicial redress and adequate compensation. As of October the two alleged torture cases COMISEDH reported in 2014 remained unresolved.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh for most of the country's inmates, due to overcrowding, poor sanitation, inadequate nutrition and health care, and corruption among guards, which included guards smuggling weapons and drugs into prisons. Guards received little or no training or supervision.

Physical Conditions: As of August the National Penitentiary Institute (INPE) reported that the national penitentiary system had 75,655 prisoners in 68 facilities originally designed for 33,497 prisoners. As of September the San Juan de Lurigancho men's prison held 9,027 prisoners in a facility designed for 3,204. The Sarita Colonia prison in Callao Region was built for 572 persons but held 3,258. Prisons for women also were overcrowded and marked by conditions similar to those for men. The Santa Monica women's prison in Chorrillos was designed for 450 inmates but held 795.

INPE operated 31 of the active prisons, the Peruvian National Police (PNP) had jurisdiction over five, the PNP and INPE operated 31 jointly, and INPE and the army jointly operated one. Pretrial detention centers located at police stations, judiciary buildings, and the Palace of Justice temporarily held pretrial detainees.

Prison guards and fellow inmates reportedly abused prisoners. Inmates reportedly killed fellow inmates. Inmates had intermittent access to potable water, bathing facilities were inadequate, kitchen facilities were unhygienic, and prisoners often slept in hallways and common areas for lack of cell space. Prisoners with money had access to cell phones, illegal drugs, and meals prepared outside the prison; prisoners who lacked funds experienced much more difficult conditions.

Basic medical care was available at most prisons, but there was a shortage of doctors, and inmates complained of having to pay for medical attention. Tuberculosis and HIV/AIDS reportedly remained at near-epidemic levels; the Ombudsman's Office reported the incidence of tuberculosis was 50 times higher than outside the prisons, while the HIV/AIDS rate was more than eight times higher. The Ombudsman's Office reported insufficient accessibility and inadequate facilities for prisoners with disabilities. Prisons lacked specialized medical equipment needed for prisoners with disabilities, such as wheelchairs and transferrable beds. Low accessibility to adequate psychological care for prisoners with mental health problems was also reported.

Administration: The government did not use alternatives to prison sentencing for nonviolent offenders. Independent authorities investigated such complaints and documented the results in a publicly accessible manner.

Independent Monitoring: The government permitted monitoring visits by independent human rights and international humanitarian law observers. Between January and September, International Committee of the Red Cross officials made 12 unannounced visits to inmates in seven prisons and detention centers and individually monitored 95 persons. During the year Ombudsman's Office representatives made 150 visits to Lima and provincial prisons and 30 visits to juvenile detention centers.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. Some arbitrary detentions

during social protests occurred. The right to freedom from arrest without warrant was constitutionally suspended in designated emergency zones (see section 1.g.).

### **Role of the Police and Security Apparatus**

The PNP, with a force of approximately 123,000, is responsible for all areas of law enforcement and internal security, including migration and border security, except in the Apurimac, Ene, and Mantaro River Valleys (VRAEM) emergency zone, where the military is responsible for internal security. The PNP functioned under the authority of the Ministry of Interior.

The armed forces, with approximately 100,000 personnel, are responsible for external security under the authority of the Ministry of Defense but also have limited domestic security responsibilities, particularly in the VRAEM emergency zone.

Corruption and a high rate of acquittals in civilian courts for military personnel accused of crimes remained serious problems. The Ministries of Interior and Defense employed internal mechanisms to investigate allegations of security force abuse. The Ministry of Interior reported that it disciplined more than 600 police officers during the year. The Public Ministry conducted investigations, although access to evidence held by the Ministry of Defense was not always forthcoming. The Ombudsman's Office can also investigate cases and submit conclusions to the Public Ministry for follow-up.

The Public Ministry is charged with witness protection responsibilities but lacked resources to provide sufficient training to prosecutors and police officers, conceal identities, or furnish logistical support to witnesses.

In August the executive branch promulgated Legislative Decree No. 1186 regulating the use of force by police. When death or injury results from police action, the law requires an administrative investigation and notification to the appropriate oversight authorities. The law is applicable to all police force members and defines the principles, rules, situations, and limitations for police use of force and firearms.

### **Arrest Procedures and Treatment of Detainees**

The law permits police to detain persons for investigative purposes. 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, for which arraignment must take place within 15 days; in remote areas arraignment must take place as soon as practicably possible. Military authorities must turn over persons they detain to 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 requirement.

Judges have 24 hours to decide whether to release a suspect or continue detention, and this provision was respected. A functioning bail system exists, but many poor defendants lacked the means to post bail. By law detainees are allowed access to family members and a lawyer of their choice. Police may detain suspected terrorists incommunicado for 10 days.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. By June authorities had sentenced only 37,401 of the 75,003 pretrial detainees held in detention facilities and prisons. Delays were due mainly to judicial inefficiency, corruption, and staff shortages. Under the new criminal procedure code, the law requires the release of prisoners held more than nine months who have not been tried and sentenced; the period is 18 months for complex cases. Pretrial detention may be extended for another 18 months in complex cases.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary. NGOs and other analysts asserted that the judiciary often did not operate independently, was not consistently impartial, and was subject to political influence and corruption. Authorities generally respected court orders from the judiciary.

### **Trial Procedures**

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right, although reports of corruption in the judicial system were common. The government continued the implementation, begun in 2006, of a new criminal procedure code designed to streamline the penal process. As of October the new code was in place in 23 of 31 judicial districts, although implementation in the largest judicial districts--Lima and Callao--was pending. The code requires

public hearings for each case and assigns investigative responsibility to public prosecutors and police.

All defendants are presumed innocent; they have the right to be informed promptly and in detail of the charges and to a fair and public trial without undue delay. They enjoy the right to communicate with an attorney of their choice or have one provided at public expense; however, state-provided attorneys often had poor training. Although citizens have the right to be tried in their own language, language services for non-Spanish speakers were sometimes unavailable. This deficiency primarily affected indigenous people living in the highlands and Amazon regions. Defendants have the right to adequate time and facilities to prepare a defense.

Defendants generally had access to government-held evidence related to their cases. Exceptions reportedly occurred in some human rights abuse cases during the period 1980-2000 and particularly with respect to those involving the Ministry of Defense, because the government classified those documents as secret and subject to disclosure limitations by law. Defendants enjoy the right to confront adverse witnesses and to present their own witnesses and evidence. Defendants have the right not to be compelled to testify or confess to a crime. Defendants may appeal verdicts to a superior court and then to the Supreme Court. The Constitutional Tribunal may rule on cases involving issues such as habeas corpus or the constitutionality of laws.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens may seek civil remedies for human rights violations, but court cases often continued for years. Press reports, NGOs, and other sources alleged that persons outside the judiciary frequently corrupted or influenced judges.

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

The law prohibits such actions, and the government generally respected these prohibitions. The right to inviolability of the home was legally suspended in the VRAEM and Loreto emergency zones.

### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

Government efforts to combat the Shining Path terrorist organization also resulted in abuses. The organization was responsible for killings and other human rights abuses.

Killings: As of November open sources indicated the Shining Path conducted several terrorist acts, resulting in the deaths of two soldiers and three civilians as well as injuries to seven members of the security forces. The incidents occurred in the VRAEM emergency zone, which includes parts of Ayacucho, Cusco, Huancavelica, Huanuco, and Junin Regions.

The Public Ministry's investigation into the killing of a pregnant woman that occurred during a counterterrorist operation in May 2014 in Uchuy Sihuis, Huancavelica Region, was pending as of November.

Abductions: There were continuing reports that the Shining Path abducted children to work for the terrorist organization during the year. In July security forces rescued 54 indigenous Ashaninka people who the Shining Path held in remote jungle villages, some for as long as three decades. The rescued group comprised 20 adults and 34 children, most of whom were women and girls.

Physical Abuse, Punishment, and Torture: There were reports that the Shining Path continued to use forced labor.

Child Soldiers: There were continuing reports that the Shining Path recruited and used child soldiers under forced labor conditions. Reports persisted that the Shining Path used children in both combat and drug-trafficking activities. Some of these children were kidnapped or recruited from local towns, while others apparently were the children of Shining Path members.

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights. Generally, an independent press and a functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech and Expression: There are no hate speech laws, and the Shining Path front group Movement for Amnesty and Fundamental Rights (MOVADef) freely called for the release of jailed terrorists and others.

Violence and Harassment: The NGO Committee to Protect Journalists reported that in contrast with 2014, no journalists were killed during the year. Numerous journalists reported police and protesters assaulted and threatened them while covering various protests and incidents of social unrest. The Press and Society Institute (IPYS) reported that threats were most commonly directed against radio and television broadcast journalists investigating local government authorities for corruption. IPYS alleged the aggressors were often local and regional government officials (e.g., mayors and regional governors). The National Journalists Association reported that Loreto, Lambayeque, and Lima were the regions with the most incidents of harassment seeking to limit freedom of expression.

At year's end investigations were pending into the 2014 deaths of journalist Donny Buchelli Cueva, who was reportedly tortured and killed in his home, allegedly for criticizing mayoral candidates' professional credentials and behavior, and investigative journalist Fernando Raymondi, whom unknown gunmen also killed.

As of September 2014, the National Journalists Association reported 64 cases of harassment, compared with 82 in all of 2013, and IPYS issued 29 alerts, compared with 41 in 2013. Of the harassment cases reported by the association, seven involved harassment by local authorities, 16 by police and military personnel, 27 by civilians (citizens, protesters, or political party members), one by media owners, and six by unknown perpetrators.

Censorship or Content Restrictions: Some media, most notably in provinces outside of Lima, practiced self-censorship due to fear of local government reprisal. Most instances of self-censorship were linked to media reports of corruption among government officials and subsequent reprisal.

Libel/Slander Laws: The law criminalizes libel, and officials reportedly used libel charges to intimidate reporters.

National Security: The law designates all information about national security and defense as secret. Press freedom activists and local NGOs, such as IPYS, criticized the law as an attack on transparency, freedom of information, and freedom of the press.

Nongovernmental Impact: Some media reported that narcotics traffickers and illegal mining operations threatened press freedom. There were reports that narcotics traffickers intimidated journalists reporting information that undermined their operations.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content. In March, however, the press reported that the National Intelligence Bureau inappropriately gathered information on thousands of politicians, journalists, and businessmen--ostensibly for political purposes. The law combats data sharing and the illegal access of information. IPYS and other local NGOs criticized it as legally ambiguous and argued that it could be used broadly to target journalists and limit press freedom, but there were no reports that the government did so.

According to the National Statistics and Information Institute (INEI), an estimated 51 percent of citizens used the internet in the last quarter of 2014.

## **Academic Freedom and Cultural Events**

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

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

The constitution provides for the freedoms of assembly and association.

#### **Freedom of Assembly**

The law does not require a permit for public demonstrations, but organizers must report the type of demonstration planned and its intended location to the appropriate regional representative, an official appointed by the national government who reports to the Ministry of Interior. The government suspended freedom of assembly in emergency zones where armed elements of the Shining

Path operated and in regions suffering from acute natural disasters (see section 1.g.).

Demonstrations may be prohibited for reasons of public safety or health. Police used tear gas and occasional force to disperse protesters in various demonstrations. Although most were peaceful, protests in some areas turned violent, resulting in deaths and injuries (see section 6, Other Societal Violence and Discrimination).

### **Freedom of Association**

The law provides for freedom of association; however, there were reports the government did not sufficiently respect this right, particularly with regard to minority religious groups' right to government registration and recognition.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

In-country Movement: The government maintained two emergency zones in parts of six regions, where it restricted freedom of movement in an effort to maintain public peace and restore internal order. The VRAEM emergency zone includes parts of Ayacucho, Cusco, Huancavelica, Huanuco, and Junin regions. In September 2014 the government decreed a new emergency zone in Loreto Region due to drug-trafficking activity. On June 27, the government lifted the Upper Huallaga Valley emergency zone, which included parts of San Martin and the Ucayali regions, after nearly 30 years.

Narcotics traffickers and Shining Path members at times interrupted the free movement of persons by establishing roadblocks in sections of the VRAEM

emergency zone. During the year individuals protesting against extractive industry projects also occasionally established roadblocks throughout the country.

### **Internally Displaced Persons**

The situation of former IDPs continued to be difficult to assess. According to UNHCR the number of IDPs remained unknown, since officials registered relatively few. There were minor instances of internal displacement involving the relocation of some rural communities to accommodate extractive industry projects.

The governmental Reparations Council continued to assist persons who suffered during the 1980-2000 conflict with the Shining Path and MRTA. The Quechua and other Andean indigenous populations disproportionately represented IDPs, since the conflict took place primarily within the Andean region. The council continued to compile a registry of victims and identify communities eligible for reparations. Some victims and family members lacking proper identity documents continued to experience difficulties registering for reparations.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government cooperated with UNHCR and recognized the Catholic Migration Commission as the official provider of technical assistance to refugees. The commission 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 commission recommendations. The government reviewed approximately 400 refugee cases per year. In 2014 the Ministry of Foreign Relations recognized 112 refugees and rejected 28 pleas for refugee status; 20 of the 28 rejected pleas were from Cuban nationals seeking refugee status. UNHCR reported 540 pending refugee requests. As of December 2014, UNHCR reported the country hosted 1,303 refugees. As of September the government recognized the refugee status of 25 Syrians, and the Ministry of Foreign Relations announced the government would streamline its procedures for recognizing the refugee status of persons displaced by the war in Syria.

Durable Solutions: There was no resettlement program, but in past years the state received persons recognized as refugees in other nations and provided some administrative support toward their integration. UNHCR provided such refugees humanitarian and emergency aid, legal assistance, documentation, and, in

exceptional cases, voluntary return and family reunification. All Haitian refugee seekers received an identity card affording them temporary protection, temporary permission to work, and fundamental rights.

Temporary Protection: As of September 2014, the government provided temporary protection to 232 individuals awaiting a decision from the state on their refugee status. UNHCR reported that as of December 2014, there were 387 asylum seekers in the country.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised this right.

#### **Elections and Political Participation**

Recent Elections: In 2011 Ollanta Humala Tasso assumed the presidency after two rounds of elections that were considered free and fair. Domestic and international observers declared the nationwide elections--held in April 2011 (for president, congress, and the Andean Parliament) and in June 2011 (a second round for the presidential race only)--to be fair and transparent, despite some controversy over campaign financing and minor irregularities in some areas. In elections for the unicameral congress, President Humala's Gana Peru alliance won 47 of 130 seats, which constituted the largest of six legislative blocs.

Regional and municipal elections took place in October 2014. Voters elected 11 regional governors and regional vice governors, 274 regional council members, 1,842 mayors (both provincial and local), and 10,526 city and provincial council members. Voters elected 14 more regional presidents and vice presidents in runoff elections in December 2014. International observers reported the elections were free and fair. Nonetheless, controversy over candidate qualifications, illicit campaign financing, and links to crime were heavily reported.

Political Parties and Political Participation: Political parties operated without restriction or outside interference, although they remained weak institutions dominated by individual personalities. In regional and local elections, regional movements continued to gain ground at the expense of national parties. By law groups that advocate violent overthrow of the government, including the political group linked to the Shining Path, MOVAREF, may not register as political parties.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for officials engaged in corruption; however, the government did not always implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. There was a widespread perception that corruption was pervasive in all branches of government.

Corruption: The governmental Public Service Office, which reports directly to the cabinet, manages a registry of former government officials who are no longer eligible for public service due to corruption crimes. As of October, 10 of the 25 regional governors were either under preliminary investigation or appealing corruption-related charges, and electoral authorities barred two additional elected governors from serving based on corruption charges against them. Electoral authorities suspended one governor in September due to his June conviction on corruption charges. An appeals court affirmed the ruling in November. One former regional governor under investigation for corruption remained a fugitive at year's end.

There were allegations of widespread corruption in the judicial system. The new criminal procedural code, although not implemented in Lima and Callao Region, was applied to corruption cases in those judicial districts. In May authorities dismissed Attorney General Carlos Ramos Heredia for impeding investigations into corruption networks orchestrated by former regional governor Cesar Alvarez and businessman Rodolfo Orellana. In 2014 authorities arrested Alvarez for homicide and corruption-related crimes and Orellana for fraud and money laundering. Both were accused of bribing vast networks of police officers, judges, prosecutors, and other public officials to protect themselves from prosecution for illegal and corrupt acts. A special congressional investigative commission, the Public Ministry, and the National Magistrates Council continued investigations into the networks.

Members of congress enjoy congressional immunity and may not be prosecuted for any acts during their time in the legislature. In the case of flagrant crimes, the judicial branch may request that congress lift immunity and allow the arrest of a member. By law congressional immunity does not apply to crimes committed before the member was sworn in, but it impeded most prosecutions. It also does not officially protect members of congress from civil crimes, such as failure to fulfill contracts or pay child support. As of September the Congressional Ethics

Committee investigated and suspended four members of congress and was investigating 15 other members for questionable activities ranging from inappropriately reducing employee salaries to links to corruption networks.

Corruption in prisons was a serious problem, and in some cases guards cooperated with criminal bosses who oversaw the smuggling of guns and drugs into prisons. There were several reports of military corruption, impunity, and resistance in providing information on military personnel under investigation for human rights abuses committed during the country's internal armed conflict. Security forces sought to strengthen accountability with training in human rights and the revision of disciplinary procedures but were doing so slowly.

Financial Disclosure: Most public officials by law must submit personal financial information to the Office of the Comptroller General prior to taking office and periodically thereafter. The office monitors and verifies disclosures, but the law was not strongly enforced. There are administrative sanctions for noncompliance that escalate from 30-day to one-year suspensions, include bans on signing government contracts, and culminate with a bar to holding government office. Declarations are made available to the public.

Public Access to Information: The law provides for public access to government information, and most ministries and central offices provided information on websites. Implementation of the law was incomplete, particularly outside of Lima, where few citizens exercised or understood their right to information. The ombudsman encouraged regional governments to adopt more-transparent practices for releasing information and monitored their compliance with the requirement for public hearings at least twice a year.

The law has a narrow list of exceptions outlining grounds for nondisclosure that includes classified and protected information, including topics of national security, intelligence, police investigations, and advanced technology. The law requires a reasonable timeline for officials to disclose financial information, at the beginning of the first quarter of every year, and does not require the official to bear any processing fees. The ombudsman reported that response times to information requests submitted to the Constitutional Court were often lengthy, varying from 18 to 36 months. The law imposes administrative, but not criminal, sanctions for noncompliance.

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

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

Human rights activists expressed concern about their safety while working in areas with social unrest, including in the regions of Cajamarca, Cusco, Madre de Dios, and Arequipa, where there were conflicts over natural resource extractive activities. They also alleged harassment by locally elected authorities in places where there were charges of corruption against elected officials (at the local, provincial, and regional levels). The activists claimed that the slow, ineffective process for sanctioning harassers essentially supported impunity.

Government Human Rights Bodies: The Ministry of Justice and Human Rights, and in particular the Vice Ministry of Human Rights and Access to Justice, oversees human rights issues at the national level.

The independent Office of the Ombudsman operated without government or party interference and was considered effective. It operated under an acting ombudsman, due to congress' failure since 2011 to appoint a permanent ombudsman.

Congressional committees included Justice and Human Rights; Women and the Family; Labor; Andean, Amazonian, Afro-Peruvian Peoples and Environment and Ecology; Health, Population, and Persons with Disabilities; and Women and Social Development.

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

The constitution prohibits discrimination based on “origin, race, gender, language, religion, opinion, socioeconomic status, or any other reason,” but enforcement lagged, and discrimination persisted. The constitutional procedure code recognizes the right of individuals to assert claims of discrimination based on sexual orientation or gender identity.

### **Women**

Rape and Domestic Violence: The legal framework governing women’s rights and protections is comprehensive and well defined. Application and enforcement of

the law, however, were severely lacking. The law criminalizes rape, including spousal rape, with penalties of six to eight years in prison, but enforcement was ineffective. Experts maintained that rape was significantly underreported due to stigma and a fear of retribution, including further violence.

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 home and 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 female victims of domestic violence. The Ministry of Women and Vulnerable Populations reported that seven in 10 women had suffered physical or psychological abuse.

Violence against women and girls--including rape, spousal abuse, and sexual, physical, and mental abuse--remained serious national problems. As of August the ministry documented 32,500 cases of violence against women, compared with 21,000 in the first nine months in 2014. The government reported 64 actual and 125 attempted femicides as of August, compared with 66 actual and 88 attempted femicides in the first nine months of 2014. Femicide is a crime and carries a minimum sentence of 15 years' imprisonment for those convicted of killing a woman who is an immediate relative, spouse, or partner. The law establishes sentences of up to life in prison when the victim is a minor, pregnant, or has a disability.

Many domestic abuse cases went unreported, and NGOs stated that the majority of reported cases did not result in formal charges due to fear of retaliation. The protections offered were limited because of legal delays and ambiguities in the law. Through the national program against family and sexual violence, the national government provided technical assistance to regional governments to support temporary shelters in nine of 25 regions. NGOs and members of congress stated there were not enough shelters for victims of domestic violence and trafficking in persons.

The 2015 ombudsman's report on violence against women noted that when prosecutors ordered protective measures for victims of abuse, they were not instituted 68 percent of the time. Additionally, the ombudsman determined that 40 percent of police stations did not have adequate facilities to interview victims and

that the majority of police officers and prosecution office personnel did not have specialized training in the treatment of abused women.

The Ministry of Women and Vulnerable Populations operated the Women's Emergency Program, which included service centers that combined police, prosecutors, counselors, and public welfare agents to help victims of domestic abuse. The program also addressed the legal, psychological, social, and medical problems of victims. In addition the ministry operated a toll-free hotline and implemented projects to sensitize government employees and the citizenry to domestic violence. The government continued to implement a broad national plan for 2009-15 to address violence in the family and against women. Nonetheless, NGOs and the Ombudsman's Office asserted that police officers often reacted indifferently to charges of domestic violence, despite legal requirements to investigate such complaints.

Sexual Harassment: Sexual harassment was a serious problem. The law defines sexual harassment not as a criminal offense, but rather as a labor rights violation subject to administrative punishment, which depends on the professional situation in which the violation occurred. The law defines sexual harassment poorly, and government enforcement was minimally effective. The undue burden on the victims to prove their cases and the fear of retribution hampered the ability of women to report sexual harassment. There were no available statistics on sexual harassers prosecuted, convicted, or punished.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

In October, President Humala issued an executive order to create an official record of victims of forced sterilization that occurred during the Fujimori regime. In November the Ministry of Justice further decreed the formation of a National Registry of Forced Sterilization Victims and the establishment of a legal framework to implement restitution.

Discrimination: The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, and property rights. While the law prohibits discrimination in employment and educational opportunities based on sex, the arbitrary dismissal of pregnant women, and discrimination remained common (see section 7.d.). The law stipulates that

women should receive equal pay for equal work, but women often were paid less than men for equal work.

## **Children**

Birth Registration: Citizenship is derived either by birth within the country's territory or from one's parents. There were problems with government registration of births, although the government was making significant efforts and progress. Failure to register made it more difficult to obtain public services, such as education and health care.

Obtaining a national identity document requires a birth certificate, but many births in rural areas occurred at home and were not registered. 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 to accessing government services, including running for public office or holding title to land. Government representatives and NGOs assessed that undocumented citizens were particularly vulnerable to labor exploitation, human trafficking, and crime.

Education: The constitution stipulates that primary and secondary education is compulsory and universal for ages six through 16 and free through the secondary level. Nevertheless, citizens and NGOs asserted that education was not completely free, and fees for parental associations, administration, and educational materials greatly reduced access for lower-income families.

Child Abuse: Violence against and sexual abuse of children were serious problems. Many abuse cases went unreported because societal norms regarded such abuse as a family problem to be resolved privately.

The government supported overnight shelters for abandoned or neglected children and child victims of violence, including child trafficking victims, in 14 of 25 regions. The Women's Emergency Program received information through child rights and welfare protection offices and assisted child victims of violence. The Children's Bureau coordinated government policies and programs for children and adolescents. At the grassroots level, child rights and welfare protection offices resolved complaints ranging from child physical and sexual abuse to abandonment and failure to pay child support. Provincial or district governments operated approximately half 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 Public Ministry's local prosecutor offices, whose adjudications were legally binding and had the same force as court judgments.

Early and Forced Marriage: The legal minimum age of marriage is 18. The law allows minors older than 16 to marry with civil judge authorization.

Sexual Exploitation of Children: The law prohibits exploiting children in prostitution and penalizes perpetrators with five to 12 years in prison. There were many known cases of minors exploited in prostitution. The country was a destination for child sex tourism, with Lima, Cusco, Loreto, and Madre de Dios as the principal locations. Involvement in child sex tourism is punishable by four to 10 years in prison. The Foreign Trade and Tourism Ministry disseminated information about the problem.

The minimum age for consensual sex is 18. Statutory rape law stipulates different rape offenses, including rape of a minor younger than 14, with penalties ranging from 25 years to life in prison. The law prohibits child pornography, and the penalty for conviction of involvement in child pornography is four to 12 years' imprisonment and a fine.

Child Soldiers: There were continuing reports of the Shining Path using child soldiers (see section 1.g.). The Ombudsman's Office reported no cases in which the army admitted underage soldiers.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/en/country/Peru.html](http://travel.state.gov/content/childabduction/en/country/Peru.html).

## **Anti-Semitism**

Estimates of the Jewish population ranged from 3,000 to 4,000 persons. There were reports of a minor anti-Semitic group, the Andean National Socialism Movement, operating in the rural Andean region, but no violence or harassment of the Jewish population was reported.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transport, access to health care, and provisions of state services, and it establishes infractions and sanctions for noncompliance with specified norms. The law provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities; 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.

In addition the law mandates that internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries.

The government devoted limited resources to law enforcement and training on disability issues, and many persons with disabilities remained economically and socially marginalized. Governments at the national, regional, and local levels made little effort to provide access to public buildings. There were few interpreters for deaf persons in government offices and no access to recordings or Braille for blind persons. The majority of government websites remained inaccessible to persons with disabilities, and only the congressional television channel offered sign language interpretation. INEI reported there were 18 registered sign language interpreters for more than 500,000 deaf persons.

The government failed to enforce laws safeguarding and attending to persons with mental disabilities in situations of social abandonment. The number of medical personnel providing services in psychiatric institutions was reportedly insufficient to care for all patients. The ombudsman and NGOs reported many children with disabilities were unable to attend public schools due to lack of physical access.

### **National/Racial/Ethnic Minorities**

The law requires all citizens be treated equally and forbids discrimination based on race, national origin, or language. Nevertheless, persons of African descent (Afro-Peruvian) faced societal discrimination and prejudice. Afro-Peruvians generally did not hold leadership positions in government, business, or the military. Few Afro-Peruvians served as officers in the navy or air force.

The Ministry of Culture reported in July that Afro-Peruvians had particular difficulties accessing health and education services. For instance, while the percentage of Afro-Peruvians ages 18 to 26 with access to higher education increased from 25.7 percent to 33.1 percent from 2004 to 2014, it was below the national average of 43.4 percent.

NGOs reported employers often found ways to refuse to hire Afro-Peruvians or relegated them to low-paying service positions. Although the law prohibits the mention of race in job advertisements, employers often required applicants to submit photographs.

### **Indigenous People**

Indigenous communities continued to be politically, economically, and socially marginalized. The constitution and law stipulate that all citizens have the right to use their own language before any authority through an interpreter and to speak their native language. In the regions in which they are predominantly spoken, Quechua, Aymara, and other indigenous languages share official status with Spanish. Nevertheless, insufficient resources resulted in language barriers that impeded the full participation of indigenous persons in the political process. Indigenous women, especially from poor and rural areas, were particularly marginalized.

Numerous indigenous persons lacked identity documents. In many cases there were no government offices in the areas where they lived; in some instances government officials allegedly sought bribes in exchange for documents, which indigenous persons were unable or unwilling to pay. Without identity cards they were unable to exercise basic rights, such as voting and gaining access to health services and education. The infant mortality rate was higher in rural areas, where most indigenous persons live, than in urban areas. Public health centers were located primarily in urban areas, but during the year the government continued expanding them to rural areas and increased roving teams.

While the constitution recognizes that indigenous persons have the right to own land communally, 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, which should prevent the reassignment of indigenous land titles to nonindigenous tenants. Some indigenous community members, however, sold land to outsiders without the majority consent of their community. The Ombudsman's Office reported the government took steps to assure budget and other resources were available to improve Amazonian land title policies.

In the absence of an effective representative institution, there were social conflicts that occasionally led to violence between indigenous and nonindigenous persons, particularly concerning environmental issues and extractive industries. Additionally, mineral or other subsoil rights belong to the state, which often caused conflict between mining interests and indigenous communities. The law requires the government to conduct consultations with indigenous communities before authorizing extractive industry activities that would affect their land and livelihoods.

The law requires the government to establish a database of indigenous communities entitled to consultation and produce a detailed implementation guide to facilitate government and private-sector compliance. The government continued to update an online database of indigenous groups eligible for prior consultation. Several indigenous organizations and the ombudsman expressed concern that indigenous communities did not have sufficient training and capacity to engage appropriately in consultations with government and industry. As of September the government completed 14 prior-consultation processes and agreements with indigenous communities. Ten of the consultation initiatives related to extractive industries.

Indigenous persons often faced threats from illegal miners and loggers who operated near or within their claimed land holdings. Indigenous leaders raised concerns that the government was unable to protect indigenous communities from these threats, due in part to the relative isolation of indigenous communities within the Amazon provinces. As of November the 2014 killings of four Ashaninka indigenous leaders from the Alto Tamaya-Saweto community in the Amazon area near the border with Brazil remained under investigation. The investigation was transferred to the Organized Crimes Unit of the National Prosecutor in Lima.

Many indigenous persons and others with indigenous physical features faced societal discrimination and prejudice. They were often the victims of derogatory comments and illegal discrimination in public places, including theaters, restaurants, and clubs.

The Ministry of Culture created several tools to help protect the rights of indigenous people despite its reduced budget. These efforts included interpreter training, implementing guidelines for providing public services with an intercultural approach, and administrative processes for creating indigenous land reserves. During the year the Ministry of Health created the Unit for the Health of Indigenous Peoples and increased its budget to improve the health-service infrastructure in regions with indigenous populations.

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

The law does not specifically prohibit discrimination against persons based on sexual orientation or gender identity, and the government did not keep any national-level statistics on such discrimination. The Ministry of 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 rights of LGBTI individuals. During the year there were instances of official and societal discrimination based on sexual orientation and gender identity in employment, housing, and access to education and health care. According to NGO and Ombudsman Office reports, government authorities, including police, harassed and abused LGBTI persons. A local NGO reported that between April 2014 and March 2015, the ombudsman received 14 cases alleging discrimination based on sexual orientation and gender identity.

The law does not provide transgender persons the right to identify with their gender or change their name and gender on government-issued identification. Transgender persons reported encountering obstacles when attempting to do so.

Local NGOs stated that discrimination based on sexual orientation and gender identity was widespread, culturally sanctioned, and largely underreported due to fear of violence or additional discrimination. NGOs reported that LGBTI youth were frequently targets of severe bullying that contributed to higher rates of suicide than for straight youth. The government did not keep statistics on these crimes.

### **HIV and AIDS Social Stigma**

Persons with HIV/AIDS faced discrimination and harassment, including societal discrimination for employment, housing, and general social inclusion. The Ministry of Health executed policies to combat discrimination based on HIV/AIDS status. Some of these policies enjoyed success, such as the treatment of HIV/AIDS, but observers maintained that education and prevention programs needed strengthening. In August the Ombudsman's Office recommended that government authorities protect the identity of a person with HIV/AIDS. The recommendation followed a press report that a public hospital discriminated against a girl and disseminated her name, which led to additional discrimination.

### **Other Societal Violence or Discrimination**

The Ombudsman's Office reported 213 active social conflict cases in August, compared with 164 in July 2014. Sixty-seven percent were socioenvironmental disputes connected to extractive industry activities. These conflicts disproportionately affected indigenous populations in the Andean and Amazon regions. At times violence occurred during protests between the security forces and protesters.

Social conflicts over mining operations in the Arequipa and Apurimac regions caused deadly clashes between the police and indigenous communities on two occasions. Four protesters and one police officer were killed and dozens of others injured during the April-May Tia Maria mining protests in the southern Arequipa Region. On September 29, protests targeting the Las Bambas copper mine in Apurimac Region resulted in three deaths and 26 injured. The government deployed 2,100 police officers and declared a state of emergency, which ended on October 29, in four provinces of the Apurimac Region--Cotobambas, Grau, Andahuaylas, and Chincheros--and in two provinces of the Cusco Region--Chumbivilacs and Espinar. At year's end the Apurimac Prosecutor's Office was investigating the Las Bambas violence.

In September violent vigilante justice occurred across the country in response to a widely held perception that law enforcement was ineffective against rising crime. An August campaign called "Chapa tu Choro" ("Catch Your Thief") began a trend on social media. One Facebook page, called "Catch your crook and leave him paralyzed," had more than 50,000 followers before its removal. Often videos of attacks were posted to social media. One showed a man being stripped and whipped with a belt, another included a young teenager severely beaten by a mob, and a third was of a woman undressed and being walked through the streets with a

sign around her neck reading, “I am a thief.” On September 3, in Cajamarca Region, members of a mob attacked an innocent man they mistakenly accused of robbing a truck. On September 16, two alleged thieves were beaten and burned to death in the Huanuco Region. Police investigated the incidents but had no suspects. In October police charged Cecilia Garcia Rodriguez, who initiated the vigilante campaign on social media, with promoting violence.

An Ipsos poll indicated 60 percent of citizens approved of the vigilante movement and 53 percent agreed with the statement, “The police are incapable of controlling crime, so it is necessary for the population to take justice into its own hands.”

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

With certain limitations, labor laws and regulations provide for freedom of association, the right to strike, and collective bargaining. The law prohibits employer intimidation and other forms of antiunion discrimination and requires reinstatement of workers fired for union activity, unless they opt to receive compensation instead. Regulations allow workers to form unions without seeking prior authorization. The minimum membership required by law to form a union, 20 employees for a workplace-level union and 50 employees for a sector-wide union, was prohibitively high in some instances, particularly for small and medium-sized enterprises.

The law specifies that public and private sector workers have the right to organize, bargain collectively, and strike, but it stipulates that the right to strike must be “in harmony with broader social objectives.” Judges, prosecutors, and police and military members may not form or join unions. New unions must register in the Ministry of Labor and Employment Protection’s Subdirectorate of Conflict Prevention under a process that takes up to four days, during which time employers may dismiss unionized workers and leaders.

The law allows unions to declare a strike in accordance with their statutes. Private and public sector union workers must give advance notice of a strike to the employer and the Ministry of Labor and Employment Protection. Private sector workers must give advance notice of at least five working days, and public sector workers must give at least 10 days’ notice. The law also allows nonunion workers to declare a strike with a majority vote as long as the written voting record is notarized and announced at least five working days prior to a strike. Unions in

essential services are permitted to call a strike but must provide 15 working days' notice, receive the approval of the ministry, be approved by a simple majority of workers, and provide a sufficient number of workers during a strike to maintain operations. Workers who strike legally may not be fired for striking, but illegal strikers in the private sector may be fired on the fourth day of absenteeism, and public sector strikers after an administrative procedure. The ministry was tasked with issuing judgments regarding the legality of a proposed strike.

Unless there is a pre-existing labor contract covering an occupation or industry as a whole, unions must negotiate with companies individually. The law establishes processes for direct negotiations and conciliation. If those fail, workers may declare a strike or request arbitration. The law outlines the process that authorizes the use of arbitration to end collective labor disputes. The law gives a party the ability to compel the other party to submit to arbitration (whether worker- or employer-initiated) whenever either of the parties cannot reach an agreement in the first collective bargaining negotiation, or a party does not engage in good faith during collective bargaining by delaying, hindering, or avoiding an agreement. If the parties disagree over whether or not a prerequisite for binding arbitration has been met, the law also allows a party to submit the matter to independent, nongovernmental arbitrators for an initial decision.

The law requires businesses to monitor their contractors with respect to labor rights, and imposes liability on businesses for the actions of their contractors. The law governing the general private-sector labor regime sets out nine different categories of short-term employment contracts that companies may use to hire workers based on particular circumstances. The law sets time limits for each of the categories and contains a five-year overall limit on the consecutive use of short-term employment contracts when contracts from different categories are used together. A sector-specific law covering the nontraditional export sectors (e.g., fishing, wood and paper, nonmetallic minerals, jewelry, textiles and apparel, and the agriculture industry) exempts employers from this five-year limit and allows employers in those sectors to hire workers on a series of short-term contracts indefinitely, without requiring a conversion to the permanent workforce.

The government did not effectively enforce labor law in all cases. Resources remained inadequate, including for the labor ministry and its National Superintendency of Labor Inspection (SUNAFIL). Penalties for violations of freedom of association and collective bargaining range from 7,400 to 74,000 new soles (\$2,240 to \$22,400). Such penalties were insufficient to deter violations and, according to labor experts and union representatives, were rarely enforced.

Workers faced prolonged judicial processes and lack of enforcement following dismissals resulting from trade union activity. For example, NGOs reported that emblematic cases of labor arbitration dating from 2012 remained suspended, with the implementation of arbitrators' decisions delayed by judicial appeals processes. These cases involved unions that represented public and private sector workers at Shougang mine, the national tax authority, and inspectors from the labor ministry. NGOs also reported instances of noncompliance with arbitrators' decisions.

Workers faced challenges in exercising their rights of freedom of association and collective bargaining. Unions and labor experts reported that the labor ministry refused to register newly affiliated union members after the initial union registration period concluded. Employers continued to dismiss workers for exercising their right to strike. Dismissals of striking workers and delays in reinstatement of these workers, in both legal and illegal strikes, were the main tactic used by employers to dissuade workers from going on strike. For instance, union members who participated in a national strike called by the National Mine, Metal, and Steel Workers Federation in May reported retaliation, including loss of vacation days, suspensions of union leaders, and denial of employer-provided meals. This was particularly acute at the Marsa and Shougang mines that have majority-subcontracted workforces. Labor union representatives and labor sector experts continued to report cases of employers who filed criminal charges that alleged material damages against workers who engaged in strikes. These charges then served as the basis for dismissing union officers and workers who participated in strikes. Union members expressed concern that employers were using criminal investigations as an intimidation tactic prior to impending collective bargaining activities.

Significant delays in the collective bargaining process due to employers' lack of interest in concluding agreements proved to be a common obstacle to compliance with worker rights to bargain collectively. Workers employed under laws to promote the textile, apparel, and agriculture industries faced obstacles, such as allegations of delayed negotiations and legal threats, to exercise of the right to collective bargaining.

Employers engaged in antiunion practices, including using subcontracting to avoid direct employment relationships. Such subcontracting also limited the size of a company's permanent workforce, making it more difficult to reach the 20-employee threshold necessary to form a union.

Many businesses, including export industries, hired temporary workers, who were effectively barred from participating in unions because they feared their contracts might not be renewed. Employers also circumvented restrictions regarding hiring temporary workers to perform core company functions. Unions, NGOs, and some multi-national apparel brands criticized the law on nontraditional export sectors and its exemption from limits on the consecutive use of short-term employment contracts, asserting that workers employed under it and who attempted to organize or affiliate with unions did not have their contracts renewed. In a July 23 report, the International Labor Rights Forum and several labor organizations in the country alleged that the government was failing to enforce labor laws in the garment, textile, and agro-export sectors and that its law permitting the unlimited use of short-term contracts in those sectors allowed employers to undermine worker freedom of association.

NGOs also reported management interference in labor-management health and safety committees. Management sometimes interfered in the election of worker representatives, held committee sessions without full worker representation, and failed to notify elected worker representatives when labor inspectors conducted workplace inspections.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law.

Resources, inspections, and remediation were inadequate for effective enforcement of the law. The law prescribes penalties of eight to 25 years' imprisonment for labor trafficking, although the government did not report statistics on convictions and sentences for forced labor during the year. Financial penalties for violations range from 7,400 to 74,000 new soles (\$2,240 to \$22,400) but were insufficient to deter violations and insufficiently enforced. SUNAFIL officials continued to conduct inspections targeted at identifying forced labor. The labor ministry and SUNAFIL continued to conduct training sessions around the country to raise awareness of forced labor and applicable law. The government also continued to implement the 2013-2017 national plan to combat forced labor. Sector experts repeated their criticisms of the plan for not containing a dedicated national budget, which made it difficult to implement.

Thousands of persons were subjected to conditions of forced labor, mainly in mining, forestry, agriculture, brick making, and domestic service. There were

reports that men and boys were subjected to bonded labor in mining (including gold mining), forestry, and brick making, while women were most often found working under conditions of domestic servitude. Both men and women were reported working in bonded labor in agriculture.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The legal minimum age for employment is 14, although children between ages 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 Ministry of Labor and Employment Protection and certify that they are attending school. In certain sectors of the economy, higher age minimums existed: 15 in nonindustrial agriculture; 16 in industry, commerce, and mining; and 17 in industrial fishing. The law specifically prohibits the hiring of minors in a number of occupations considered hazardous for children, including working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, and 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.

A permit from the labor ministry is required for persons under 18 to work legally. Parents must apply for the permits, and employers must have a permit on file to hire a youth.

The Ministry of Labor and Employment Protection and SUNAFIL are responsible for enforcing child labor laws, but there was evidence that the law was not effectively enforced. Resources, the number of inspections, and interministerial coordination were insufficient to enforce the law. The ministry stated that inspectors conducted routine visits without notice to areas where persons or organizations reported child labor problems. During the year SUNAFIL's labor inspectors, in coordination with the Public Prosecutor's Office, the PNP, the Ombudsman's Office, and the Ministry of Women and Vulnerable Populations, rescued 116 children from dangerous worksites in metropolitan Lima and Loreto and Tumbes regions. By law the penalties for illegal child labor include fines from 192,500 new soles (\$58,300) for microbusiness to 385,000 new soles (\$117,000) for small and medium-sized businesses and 770,000 new soles (\$233,000) for

larger enterprises. In addition to these fines, violators are subject to civil and criminal legal proceedings.

The labor ministry continued the “Vamos Peru” (Let’s Go, Peru) program, focused on job training, technical assistance to entrepreneurs, and job placement, and the “Peru Responsable” (Responsible Peru) program, aimed at fostering corporate social responsibility and creating formal employment for youth. The ministry continued to implement its national strategy to combat child labor, including projects in Junin, Huancavelica, Pasco, Carabayllo, and Huanuco, which focused on reducing child labor by improving educational services, providing mechanical tools, and providing cash transfers to families in rural areas.

The Office of the Ombudsman for Children and Adolescents (DEMUNA) worked with the Ministry of Labor and Employment Protection to document complaints regarding violations of child labor laws. DEMUNA also operated a decentralized child labor reporting and tracking system. The Ministry of Women and Vulnerable Populations 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 women’s ministry also continued to implement the Yachay program, which assists street children ages six to 17 with workshops, health care, education, legal services, and scholarships.

Child labor remained a serious problem, especially in the informal sector. In 2014 INEI estimated there were 1.65 million children working in exploitative labor conditions. The worst forms of child labor generally occurred in the informal sectors, including in commercial sexual exploitation (see section 6, Children), gold mining, brick and fireworks manufacturing, stone extraction, forestry, and agriculture, including the production of Brazil nuts and coca. In many cases children worked alongside their parents in a family business, usually in areas and sectors cited above.

Representatives from the Ministry of Interior, NGOs, and labor unions reported counterfeit U.S. currency cases that involved child labor. During the year police rescued several minors during operations against U.S. currency counterfeiters. The labor ministry, NGOs, and labor activists also reported the use of child labor in rice production on plantations in the Tumbes Region. In August, SUNAFIL rescued minor children working on rice plantations in Tumbes.

Also, see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment based on race, color, sex, religion, political opinion, national origin, citizenship, social origin, disability, age, language, or social status. The law does not specifically identify discrimination based on sexual orientation and/or gender identity, HIV-positive status, or other communicable diseases. The law prohibits discrimination against domestic workers and any requirement by employers for their domestic workers to wear uniforms in public places. The law establishes the following employment quotas for persons with disabilities: 3 percent for private businesses with more than 50 employees and 5 percent for public sector organizations. The National Council for the Integration of Persons with Disabilities oversees compliance with employment quotas for persons with disabilities.

The government did not effectively enforce the law. Penalties for violations included fines and imprisonment but were not sufficient to deter violations. In a potentially precedent-setting case, a court ruled against two company managers for not correcting workplace racial discrimination. Specifically, on November 13, a court ruled against two former managers with Sedam Huancayo, the city of Huancayo's water and sewerage public utility, for not addressing employee workplace discrimination. In 2012 employees insulted an Afro-Peruvian coworker by using racially derogatory names. The court determined the office manager and head of human resources violated the law by not responding to the workplace racial insults and imposed short pretrial jail sentences, a fine of 5,000 new soles (\$1,500), and a two-year ban from holding public office.

Discrimination in employment and occupation occurred with respect to race, sex, gender, disability, sexual orientation and/or gender identity, and social status. NGOs and labor rights advocates noted that discrimination cases often went unreported to authorities, in part due to a lack of confidence in the legal system to address the case and protect the individuals in question effectively.

Numerous violations of provisions prohibiting discrimination against domestic workers and any requirement by employers for their domestic workers to wear uniforms in public places were reported during the year. The Ministry of Labor and Employment Protection, local NGOs, and several unions continued campaigns to inform domestic workers of their rights.

Societal prejudice and discrimination also led to disproportionate poverty and unemployment rates for women. Women were more likely to work in the informal sector or in less secure occupations, such as domestic service, factory workers, or street vendors, and they were more likely to be illiterate due to lack of formal education.

#### **e. Acceptable Conditions of Work**

The statutory monthly minimum wage was 750 new soles (\$225). INEI estimated the poverty line to be 284 new soles (\$86) a month per person, although it varied by region.

The law provides for a 48-hour workweek and one day of rest, and it requires premium pay for overtime. There is no prohibition on excessive compulsory overtime, nor does the law limit the amount of overtime that a worker may work. The law stipulates certain rights and benefits to which adult domestic workers are entitled, such as an eight-hour workday, no work on public holidays, 15 days of paid annual vacation, and salary bonuses in July and December. The law grants administrative service contract workers who meet minimum service requirements 30 days of vacation, June and December bonuses, and up to three months of severance pay in the case of unjustified dismissal.

The government sets occupational health and safety standards appropriate for the main industries in the country, but sector experts reported that government resources and expertise were not sufficient to maintain appropriate health and safety standards. The law allows workers to remove themselves from situations that endanger health or safety without jeopardy to their employment. The law allows employers to outsource the management of health and safety to third-party service providers and restrict democratically elected worker representatives from obtaining leave to attend to their safety and health duties, including training.

The government often did not devote sufficient personnel, technical, and financial resources to enforce occupational safety and health regulations and other labor law. The Ministry of Labor and Employment Protection formed SUNAFIL in April 2014 to assume federal labor inspection duties. As of December SUNAFIL reported having 394 inspectors nationwide, 167 in Lima and the rest assigned to Arequipa, Tumbes, La Libertad, Cajamarca, Loreto, Ancash, Huanuco, Ica, and Moquegua regions. The ministry and regional governments had an additional 88 labor inspectors. Labor sector experts noted delays in responses to inspection requests and a backlog in the issuance of inspection reports during the period of

transition to SUNAFIL, and many inspectors continued to have to pay for transportation to sites and often were harassed or refused entry to businesses. Regulations to require that, in addition to normal labor inspections, inspectors should also conduct “orientation inspections” of small and micro-enterprises to advise employers of their labor obligations before problems are identified. The regulations also establish that employers found to be in violation of the law must be given time to remediate the violation and that any assessed fine would be reduced according to how quickly the employer is able to do so. Labor groups and civil society asserted that these “orientation inspections” had a negative effect on law enforcement.

Fines for labor violations were increased in April 2014; noncompliance with the law is punishable by fines of 7,400 to 74,000 new soles (\$2,240 to \$22,400). In July 2014, however, the government enacted a three-year decree that reduced fines on employers for labor violations to no more than 35 percent of the maximum fine established by law. The reduction appeared to be limited to reducing fines for occupational safety and health violations that do not result in death or permanent injury of the worker and violations of laws related to freedom of association and workplace discrimination that are determined not to be “very serious.” The reduction does not apply to violations that “very seriously affect” freedom of association, union formation, and workplace discrimination; violations related to child labor or forced labor; violations of occupational and safety norms that result in death or permanent disability of the worker; actions that impede labor inspections; and recidivist conduct, defined as repeat violations within a six-month period from the time a final decision on the first infraction was issued. Penalties were insufficient to deter violations. Many fines went uncollected, in part because the government lacked an efficient tracking system and at times due to a lack of political will, according to a local labor NGO.

The law provides for fines and criminal sanctions for occupational safety and health violations. In cases of infractions, injury, or deaths of workers or subcontractors, the penalty is one to four years’ imprisonment. Criminal penalties are limited to those cases where employers have “deliberately” violated safety and health laws and where labor authorities have previously notified employers who have chosen not to adopt measures in response to a repeated infraction. The law requires that a worker prove an employer’s culpability to obtain compensation for work-related injuries.

Labor, businesses, and the government reported that the majority of companies in the formal sector generally complied with the law. Many workers in the informal

sector, approximately 70 percent of the total labor force, received less than the minimum wage, although most were self-employed. Employers often interfered with the formation and operation of labor-management committees by influencing elections for labor representatives and limiting committee power.

Employers frequently required long hours from domestic workers and paid low wages. Allegations of abuse of subcontracted workers in the areas of wage and hour violations and associational rights continued to be reported. In August a group of 34 outsourced workers at the Aceros Arequipa steel plant in Pisco, who had previously filed a labor inspection complaint, were told their contracts were not compliant, and they were all dismissed. As of December the union was seeking their reinstatement.

NGOs reported that new economic reforms weakened workplace health and safety laws and expressed concern that implementation of protections under the law was often lacking. Union members and labor sector experts reported that regional and national statistical registers did not reflect the number of severe and fatal injuries from workplace accidents that occurred in the mining, electrical, and construction sectors. Workplace labor, health, and safety committees continued to develop across the country. Labor experts and NGOs expressed concern about what they considered an unreasonably high threshold for holding employers accountable for workplace injuries and for not maintaining health and safety standards.