

## Peru

**Country:**

[Peru](#)

**Year:**

2016

**Freedom Status:**

Free

**Political Rights:**

2

**Civil Liberties:**

3

**Aggregate Score:**

71

**Freedom Rating:**

2.5

**Overview:**

Political instability and corruption scandals characterized President Ollanta Humala's final full year in office. The opposition-dominated Congress forced Prime Minister Ana Jara to resign in March over allegations of spying on prominent private citizens and public officials, heightening perceptions of fractured leadership and intensifying political polarization. A number of high-profile corruption cases dominated Peru's political debate in 2015, several of which were linked to ongoing questions regarding the role and influence of First Lady Nadine Heredia.

Peru's high level of social conflict continued to pose one of the main threats to the country's political stability in 2015. Inequality and the exclusion of marginalized populations from decision-making processes exacerbate existing local conflicts, over half of which involve environmental exploitation related to extractive industries, particularly mining. Although the Humala administration has made notable progress in social inclusion, huge inequalities persist across the country, and Peru's regions have uneven access to basic services and limited opportunity for socioeconomic advancement. Despite a significant decline in poverty rates, nearly half the rural population remains in poverty, compared to 15 percent in urban areas. Overall, patience among the electorate is running thin: only 16 percent of Peruvians approved of Humala's performance in December 2015.

As the 2016 general elections approached, surveys late in the year showed Keiko Fujimori, the daughter of imprisoned former president Alberto Fujimori, with an early advantage. She was followed by former economy minister Pedro Pablo Kuczynski and former Trujillo mayor César Acuña.

**Political Rights and Civil Liberties:**

**Political Rights: 30 / 40 [Key]**

## **A. Electoral Process: 10 / 12**

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.

Although the 2011 elections were sharply polarized, they were deemed generally free and fair by 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 presidential candidate Keiko Fujimori. With various candidates dividing the center, the leftist Humala and right-wing Fujimori entered a runoff in June, which Humala won, 51.5 percent to 48.5 percent.

In the concurrent legislative elections, an alliance led by Humala's Peruvian Nationalist Party (PNP) captured 47 of the 130 seats, followed by Fujimori's Force 2011 grouping with 38 seats, and former president Alejandro Toledo's Perú Posible with 21 seats. Since the elections, however, Humala's Nationalist Party bloc has dwindled to 27 seats due a series of expulsions and resignations, including that of Vice President Marisol Espinoza, who left the party in October 2015.

Local and regional elections in October 2014 followed the pattern of previous cycles, with the vast majority of elected officials representing regional movements rather than Peru's fragmented national parties. In Lima, home to one-third of the country's population, the election returned former mayor Luis Castañeda to office despite controversies related to his previous term in office, from 2003–10. Accusations of collusion between local candidates and criminals are common; in the aftermath of the elections, 227 contributors to political parties were linked by the electoral authorities to various illicit activities.

## **B. Political Pluralism and Participation: 13 / 16**

Peruvian parties, while competitive, are both highly fragmented and extremely personalized. In the December 2015 National Corruption Survey, solicited by local anticorruption group Proética, 64 percent of Peruvians described the performance of political parties as bad or very bad. Moves toward decentralization over the last decade have strengthened the role and influence of regional presidents, though they have often been accused of corruption and other misdeeds.

The concerns of ethnic and cultural minorities, especially in remote mountain or jungle zones, remain inadequately addressed among parties with national scope, which contributes to regular episodes of acute social conflict in the provinces. The 2011 Law of Prior Consultation has fostered increased recognition and encouragement of indigenous participation and consultation rights, but analysts agree that there is still ample room to improve the Peruvian state's integration of indigenous political agendas into mainstream national debate.

## **C. Functioning of Government: 7 / 12**

Corruption remains a critical problem and serious challenge for Peru. According to the 2015 National Corruption Survey, nearly 80 percent of Peruvians think corruption increased under the Humala government, and 85 percent view the central government as "little" or "not at all" effective in fighting corruption. Checks on political parties' campaign financing are weak, especially at the subnational level, where drug trafficking activity flourishes. Peru was ranked 88 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Corruption scandals blossomed throughout 2015 at multiple levels of government. Wilfredo Ocorima, president of the Ayacucho region, was convicted on corruption charges and removed from office in June. Gregorio Santos, the former president of Cajamarca who won the 2014 regional election, has been unable to take office since being placed under preventive arrest pending trial on corruption charges.

At the national level, the publication in August of four day planners allegedly owned by First Lady Nadine Heredia shocked public opinion by providing a detailed register of large-scale contributions of dubious origin to Humala's PNP. In addition, Martín Belaúnde Lossio, a former campaign adviser to Humala who maintained close ties to the first couple, was extradited from Bolivia in May to face trial on multiple corruption charges involving government contracts. In 2014, a congressional commission charged with investigating corruption cases during the second Alan García administration (2006–11) released a series of reports unveiling many irregularities, most notably the sale of presidential pardons benefiting convicted narcotics traffickers. In November 2015, however, a judge invalidated the reports, citing due process violations.

Some government agencies have made progress on transparency, but much information related to defense and security policies remains classified under a 2012 law.

## **Civil Liberties: 41 / 60**

### **D. Freedom of Expression and Belief: 15 / 16**

Peru's dynamic press is mostly privately owned. The 2013 purchase of the EPENSA newspaper group by the *El Comercio* conglomerate—which now controls nearly 80 percent of the market—ignited an intense debate over the concentration of media ownership that remained alive throughout 2015. As of year's end the Constitutional Tribunal (TC) had yet to rule on an injunction filed in 2013 claiming that the merger infringed on a constitutional article barring the "cornering" of the media market.

Attacks against journalists in response to negative media coverage are common, especially at the subnational level. Reporters often receive threats when reporting on corruption, while many of the physical attacks in 2015 occurred in the context of protests over resource extraction issues. Low pay leaves reporters susceptible to bribery, and media outlets remain dependent on advertising by large retailers and the state. Defamation is criminalized, and journalists are regularly convicted under such charges, though their sentences are usually suspended.

The Peruvian constitution guarantees freedom of religion and belief, rights that are generally respected by the government. The Roman Catholic Church nevertheless receives preferential treatment from the state, and an influential bloc of Catholic congressional representatives helps limit potential changes on social issues such as same-sex marriage and abortion.

The government restricts neither academic freedom nor access to the internet, which had a penetration rate of 41 percent in 2015.

### **E. Associational and Organizational Rights: 8 / 12**

The authorities generally recognize and respect the constitutionally guaranteed right to peaceful assembly. However, the government has also frequently resorted to declarations of states of emergency and done little to prevent excessive use of force by security personnel confronting protests. At least 51 Peruvians were killed in protests between the start of Humala's term and

October 2015. Very few members of the police or military have faced charges for protest-related incidents in recent years. Several decrees and laws since 2010 have limited police and military responsibility in the event of injury or death during demonstrations. In 2015, the TC ruled unconstitutional a provision broadening military jurisdiction in cases when the security forces are involved in civilian deaths, but upheld the executive's capacity to deploy the armed forces in a variety of social conflict situations.

Despite substantial efforts by the state ombudsman and the recently created National Office of Dialogue, the governmental approach to local grievances typically eschews mediation and early intervention in favor of reactive repression. The trial of more than 50 community members involved in the 2009 Bagua protests, which left 10 protesters and 23 police officers dead, remained ongoing at year's end.

Freedom of association is generally respected. In recent years, however, antimining activists have been subject to arbitrary arrest or questionable legal charges, while several nongovernmental organizations have experienced various forms of intimidation. Hitler Ananías Rojas, a leader of community groups opposing the construction of hydroelectric dams on the Marañón river, was killed in December.

Peruvian law recognizes the right of workers to organize and bargain collectively. Strikes are legal with advance notification to the Ministry of Labor, but few strikers abide by this regulation. Less than 10 percent of the formal-sector workforce is unionized.

## **F. Rule of Law: 8 / 16**

The judiciary is perceived as the most corrupt institution in the country. A controversial set of appointments in 2013—later rescinded in the wake of public protests—greatly undermined the credibility of the relatively independent TC. Attention by civil society organizations in 2015 also focused on the National Judiciary Council, which appoints judges and prosecutors and monitors alleged cases of judicial corruption. In November, one of the council's ministers, Alfredo Quispe Pariona, was forced to resign over allegations of sexual harassment and corruption.

The situation in Peruvian jails is extremely poor. The average population is 75,000 inmates—230 percent of capacity—more than half of whom are in pretrial detention. Since 2006, an adversarial justice system designed to improve the speed and fairness of judicial proceedings has slowly been implemented. Many indigenous Peruvians pass through the justice system without sufficient Spanish to adequately understand their cases or fully exercise their rights, and the state fails to provide sufficient translation services.

According to the 2014 Latin American Public Opinion Project (LAPOP) survey, Peru had the highest crime victimization rate of 28 countries in the Americas, and local polls often confirm crime as Peruvians' principal concern. In this context, Peru experienced a troubling rise in vigilante justice in 2015, due in part to organized initiatives such as *chapa tu choro* (hunt your thief), a Facebook campaign that urged citizens to attack alleged criminals rather than turn them over to the police. Numerous individuals were subsequently assaulted—some of whom were later proven innocent—and at least four killed.

Since the 2003 publication of Peru's Truth and Reconciliation Commission Report on the internal conflict against Shining Path guerrillas—which took 69,000 lives in the 1980s and 1990s—justice has been served in some significant cases. Most notable is the conviction of former president Alberto Fujimori for overseeing death-squad killings and two kidnappings. The García government made almost no efforts to prioritize justice for cases of human rights abuse by state actors during the 1980s and 1990s, and the Humala administration has remained similarly passive. The military

continues to obstruct those investigating past violations. However, in November 2015 the government declared the reparation of victims of forced sterilizations during Fujimori's government a matter of "national interest" and created a victims' registry to better target their legal assistance and health and psychological needs.

Remnants of the Shining Path involved in the drug trade continue to clash with security forces in the Apurimac-Ene River Valley (VRAE) and Upper Huallaga zones. Coca eradication efforts and economic development programs in other regions have failed to reverse a trend toward increased coca production.

Native Quechua speakers and Afro-Peruvians are subject to discrimination. Peru is a particularly hostile country toward the LGBT (lesbian, gay, bisexual, and transgender) population. Many cases of discrimination and violence are reported each year; in a survey conducted in 2014, nearly 90 percent of Lima's LGBT residents reported being the victim of physical violence due to their sexual preference. The Humala administration removed any mention of targeted LGBT policies from the National Plan of Human Rights (2014–16).

### **G. Personal Autonomy and Individual Rights: 10 / 16**

Peru does not place formal restrictions on movement, but the frequency of protests can disrupt travel in certain areas, occasionally for prolonged periods. Discrimination against indigenous populations remains pervasive with regard to land use and property rights. Afro-Peruvians remain especially vulnerable and invisible to public policy. Humala's government nonetheless instituted some programs and initiatives to better ensure the exercise of indigenous rights. The Prior Consultation Law is a notable example: despite some criticism by activists, the law is widely accepted, even by the extractive sector, and has resulted in positive outcomes for communities that have taken part in consultation processes.

Domestic violence is epidemic in Peru, with more than half of Peruvian women reporting instances of physical or emotional abuse. In recent years, women have advanced into leadership roles in various companies and government agencies, but there are still no specific gender policies to ensure equal rights between men and women. In March 2015, a bill to recognize civil unions for same-sex partners was rejected in Congress and will not be considered until the next legislative term.

Peruvian women and girls—especially from the indigenous community—fall victim to sex trafficking within the country, including near mining facilities. Men, women, and children are subject to forced labor in the mines, in related industries, and in the informal economy. According to the U.S. State Department's 2015 *Trafficking in Persons Report*, government enforcement of an anti-trafficking law has been "uneven."

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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