PERU 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Peru is a constitutional, multiparty republic. President Martin Vizcarra assumed the presidency in March 2018 following the resignation of then president Pedro Pablo Kuczynski when Vizcarra was vice president. Kuczynski won the 2016 national elections in a vote widely considered free and fair. Invoking articles of the constitution, President Vizcarra dissolved Congress on September 30. Legislative elections are scheduled for January 2020.

The national police, who report to the Ministry of Interior, maintain internal security. The military, reporting to the Ministry of Defense, is responsible for external security but also has some domestic security responsibilities in exceptional circumstances and in designated emergency areas. Civilian authorities generally maintained effective control over the security forces.

Significant human rights issues included isolated cases of torture; government corruption at all levels, including in the judiciary; sexual exploitation, including human trafficking; violence against women and girls; and forced labor.

The government took steps to investigate and in some cases prosecute or otherwise punish public officials, including high-level officials, accused of abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

In September a judge ordered 36 months of pretrial detention for former Peruvian National Police (PNP) commander Raul Prado Ravines, accused of leading an extrajudicial killing squad. The case involved the suspected extrajudicial killing of more than 27 criminal suspects during at least nine separate police operations from 2012 to 2015 to cover up police corruption and to receive awards and promotions. Fourteen PNP police officers remained in preventive detention, eight in prison and six under house arrest, awaiting trial for their roles in the operations. Also in September, in a separate case, courts sentenced PNP officer and former mayor of

Trujillo, Elidio Espinoza, to 30 years in prison for leading a death squad that killed four persons in 2007. The sentence was under appeal.

The Shining Path domestic terrorist group conducted several terrorist acts during the year that killed and injured security force members, including the June 25 killing of three soldiers during an operation in the town of Vizcatan in Junin Province and the August 9 killing of a soldier during an operation in Huanta Province.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

The Ministry of Justice's Directorate for Disappeared Persons oversees the recovery, identification, and return of remains of the approximately 13,000-20,000 persons who disappeared during the internal conflict of 1980-2000. From January through August, the directorate facilitated the return of the remains of 162 disappeared persons. In September the directorate reported the genetic database created in 2018 to identify and recover these victims' remains contained 500 genetic profiles to assist with the task of searching for missing persons.

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

The law prohibits such practices, but there were reports that government officials employed them. Local nongovernmental organizations (NGOs) and the Office of the Human Rights Ombudsman reported that torture by police occurred and stated the government did not effectively prevent torture or punish those who committed such abuses.

According to the local NGO Human Rights Commission, many victims did not file formal complaints about their alleged torture, and those who did so purportedly had difficulty obtaining judicial redress and adequate compensation.

Prison and Detention Center Conditions

Prison conditions were generally harsh due to overcrowding, poor sanitation, inadequate nutrition and health care, and corruption among guards, which included guards smuggling weapons and drugs into the prisons. Guards received little to no training or supervision.

Physical Conditions: As of June the National Penitentiary Institute reported the system had 94,235 prisoners in 69 facilities designed for a total of 39,156 prisoners. Examples of particularly overcrowded prisons included the San Juan de Lurigancho men's prison, which held 10,842 prisoners in a facility designed for 3,204, and the Santa Monica women's prison in Chorrillos, which held 741 prisoners in a facility designed for 450.

Assaults on inmates by prison guards and fellow inmates occurred regularly, and killings among prisoners were reported. Psychological abuses, such as stripping prisoners naked, handcuffing them, and making them stand outside their cells or parading them through general population, as well as the arbitrary use of solitary confinement, were also reported.

Inmates had only intermittent access to potable water, bathing facilities were inadequate, kitchen facilities were unhygienic, and prisoners often slept in hallways and common areas due to lack of cell space. Prisoners with money or other resources had access to cell phones, illegal drugs, and better meals prepared outside the prison; prisoners who lacked funds experienced much more difficult conditions.

Most prisons provided severely limited access to medical care, which resulted in delayed diagnoses of illnesses. Inmates lacked access to required daily medication for chronic conditions, including diabetes and heart disease, leading to subsequent complications, such as blindness and limb amputation. 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 insufficient accessibility and inadequate facilities for prisoners with disabilities. Prisons lacked specialized medical equipment needed for prisoners with disabilities, such as wheelchairs and hospital transfer beds. Prisoners with mental disabilities and mental health conditions lacked access to adequate psychological care.

Administration: Independent and government authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring visits by independent human rights and international humanitarian law observers. International Committee of the Red Cross officials made unannounced visits to

inmates in prisons and detention centers. During the year representatives of the Ombudsman's Office visited prisons in Lima and the provinces.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge in court the lawfulness of his or her arrest or detention. The government generally observed these requirements. The government constitutionally suspended the right to freedom from arrest without warrant in designated emergency zones.

Arrest Procedures and Treatment of Detainees

The law requires a written judicial warrant based on sufficient evidence for an arrest, unless authorities apprehend the alleged perpetrator of a crime in the act. Only judges may authorize detentions. Authorities are required to arraign arrested persons within 24 hours, except in cases of suspected terrorism, drug trafficking, or espionage, for which arraignment must take place within 15 days. In remote areas, arraignment must take place as soon as practicable. Military authorities must turn over persons they detain to police within 24 hours. Police must file a report with the Public Ministry, the autonomous Public Prosecutor's Office, within 24 hours of an arrest. The Public Ministry, in turn, must issue its own assessment of the legality of the police action in the arrest; authorities respected this requirement.

The law permits detainees to have 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. According to an April report by the National Penitentiary Institute, 39 percent of prisoners in Peru were being held under pretrial detention. The length of pretrial detention occasionally equaled, but did not exceed, the maximum sentence of the alleged crime. Delays were due mainly to judicial inefficiency, corruption, and staff shortages. In accordance with the law, courts released prisoners held more than nine months (up to 36 months in complex cases) whom the justice system had not tried and sentenced. The courts factored pretrial detention into final sentences.

In September the Supreme Court published revised guidelines for ordering pretrial detention. First, the court stated that pretrial detention can be ordered if there is a high probability the suspect will be sentenced for the crime under investigation. Second, prosecutors requesting pretrial detention need to provide convincing

evidence and at least one witness. Third, the court declared pretrial detention may be used only if the sentence corresponding to the crime is greater than four years. Finally, prosecutors must present concrete evidence that the accused individual is a flight risk or could obstruct the case if he or she were free. Prosecutors must follow the revised guidelines when ordering pretrial detention, and the Constitutional Tribunal may consider the guidelines for current cases of pretrial detention as they deliberate habeas corpus requests.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. Some NGOs and other advocates alleged the judiciary did not always operate independently, was not consistently impartial, and was sometimes subject to political influence and corruption.

In July 2018 media outlets released audiotapes of telephone conversations of judges implicating themselves in influence peddling, which included court decisions. These conversations uncovered a widespread network of corrupt practices and political interference in judicial decisions. Immediately following the scandal, President Vizcarra implemented measures to address judicial corruption, including replacing the National Council of Magistrates with a National Board of Justice. The National Council of Magistrates, the body in charge of selecting, evaluating, and punishing judges and prosecutors, was at the heart of the corruption scandal. The National Board of Justice maintains the same responsibilities as the council but is selected through a competitive public application process. As of September the selection and establishment of the board were pending due to missteps and delays in the process.

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 the transition from an inquisitorial to an accusatory legal system and the application of a new criminal procedure code to streamline the penal process. As of October the government had initiated the transition and introduced the code in 32 of the 34 judicial districts. Implementation in the largest judicial districts--Lima and South Lima--remained pending.

The law presumes all defendants are innocent. The government must promptly inform defendants in detail of the charges against them and provide defendants a trial without undue delay. Defendants have the right to be present at their trial and to communicate with an attorney of their choice or have one provided at public expense. State-provided attorneys, however, often had poor training. Although the law grants citizens the right to trial in their own language, interpretation and translation services for non-Spanish speakers were sometimes unavailable. This deficiency primarily affected indigenous persons living in the highlands and Amazon regions.

The law provides that all defendants have the right to adequate time and facilities to prepare for their defense. Defendants have the right to confront adverse witnesses and present their own witnesses and evidence. The government cannot compel defendants to testify or confess to a crime. Defendants may appeal verdicts to a higher court and ultimately 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 during the year.

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions. The government's continued declaration of an emergency zone in the Valley of the Apurimac, Ene, and Mantaro Rivers (VRAEM), due to drug trafficking and criminal activity, suspended the right to home inviolability there.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press and a functioning democratic political system generally promoted freedom of expression, including for the press. According to the Interamerican Press Society, an increase in the number of civil libel and slander lawsuits and lengthy court cases threatened freedom of expression and freedom of the press.

Violence and Harassment: Journalists alleged that police, protesters, and company personnel assaulted and threatened them while covering various protests and incidents of social unrest. In one such incident in September, police officers attacked a journalist covering protests in Puno. The Ombudsman's Office recommended the PNP investigate the alleged assault.

Censorship or Content Restrictions: NGOs continued to report that some media, most notably in the provinces outside of Lima, practiced self-censorship due to fear of local government reprisal.

Nongovernmental Impact: Some media reported narcotics traffickers and persons engaged in illegal mining threatened press freedom by intimidating local journalists who reported on those activities.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law does not require a permit for public demonstrations, but organizers must report the type of demonstration planned and coordinate its intended location with authorities. The government continued to suspend freedom of assembly in the VRAEM and La Pampa emergency zones, where armed elements of the Shining Path and drug traffickers operated, as well as in regions suffering from crime and public health crises.

The government may restrict or prohibit demonstrations at specific times and places to ensure public safety and health. Police used tear gas and force occasionally to disperse protesters in various demonstrations, including at a major public university. Although most demonstrations were peaceful, protests in some areas turned violent, resulting in one death and multiple injuries in May (see section 6, Other Societal Violence or Discrimination).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Due to the presence of the Shining Path, drug trafficking, and transnational organized crime, the government maintained an emergency zone in the VRAEM and parts of four regions where authorities restricted freedom of movement in an effort to maintain public peace and restore internal order.

Narcotics traffickers and Shining Path members at times interrupted the free movement of persons by establishing roadblocks in sections of the VRAEM emergency zone. Individuals protesting against extractive industry projects also occasionally established roadblocks throughout the country.

e. Internally Displaced Persons

The Ministry of Women and Vulnerable Populations' National Registry for Displaced Persons estimated there were 59,846 displaced persons in the country, many of whom are victims of the 1980-2000 internal conflict. The registration and accreditation of displaced persons provides for their protection, care, and

humanitarian assistance during displacement, return, or resettlement. According to the government's Reparations Council, some internally displaced persons who were victims of the 1980-2000 internal conflict experienced difficulties registering for reparations due to the lack of proper identity documents.

f. Protection of Refugees

As of July more than one million foreign-born persons lived in the country. In December 2018 the government discontinued the application for one-year temporary residence permits (PTPs) targeted at Venezuelans, who numbered more than 860,000. PTP holders can legally reside and work in the country. During the 23 months when PTPs were issued (February 2017 to December 2018), the government granted 486,000 permits. Before a PTP expires, the holder must adjust to a more permanent migratory status, including a "special migratory resident status" designed for PTP holders who certify economic activity and no criminal record. This status adjustment results in a foreign resident identification, equivalent in most ways to a Peruvian citizen's national identification.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for protecting refugees. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and recognized the Peruvian Catholic Migration Commission as the official provider of technical assistance to refugees. The commission also advised citizens who sought asylum based on a fear of persecution. The government protected refugees on a renewable, year-to-year basis, in accordance with commission recommendations.

Employment: According to a September UNHCR report, 62 percent of Venezuelans surveyed in the cities of Cusco, Lima, Arequipa, Tumbes, and Tacna believed they had been targets of discrimination, particularly because of their nationality. Following decrees limiting the employment of foreigners in the cities of Cusco and Huancayo, the Ombudsman's Office issued a public statement in March characterizing the decrees as promoting discriminatory conduct that reinforces stereotypes of Venezuelan migrants. Human rights advocates challenged the decrees in courts, and prosecutors denounced the mayor of Huancayo for inciting discrimination. The Cusco decree was amended to focus on penalizing the practice of arbitrarily dismissing workers and replacing them with persons willing to work at a lower wage.

Durable Solutions: The government does not have a formalized integration program for refugees, but it received persons recognized as refugees by other nations, granted refugee status to persons who applied from within Peru, and provided some administrative support toward their integration. UNHCR provided these refugees with humanitarian and emergency aid, legal assistance, documentation, and, in exceptional cases, voluntary return and family reunification.

Temporary Protection: As of August the government provided temporary protection to more than 277,000 individuals awaiting a decision on their refugee status. The government provided these individuals with temporary residence permits and authorization to work.

g. Stateless Persons

Not applicable.

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 held by secret ballot and based on universal, compulsory, and equal suffrage.

Elections and Political Participation

Recent Elections: Elections were held in April 2016 (for president, the National Congress, and the Andean Parliament) and in June 2016 (a second round for the presidential race only). Domestic and international observers declared the elections to be fair and transparent, despite controversy over the exclusion of two presidential candidates for administrative violations of election-related laws. Pedro Pablo Kuczynski won and assumed the presidency in July 2016 after the second round of presidential elections. Martin Vizcarra was Kuczynski's first vice president. President Kuczynski resigned in March 2018, a few days before his impeachment hearing on corruption allegations. Pursuant to the constitution, in March 2018 First Vice President Vizcarra assumed the presidency following Kuczynski's resignation.

Two rounds of regional elections for governorships and municipal offices were held in October and December 2018. Observers declared the elections to be peaceful, free, and fair.

Legislative elections are scheduled for January 2020 following President Vizcarra's dissolution of Congress on September 30. The opposition presented a challenge to the dissolution in the Constitutional Tribunal. Most analysts assessed that the executive branch's action was constitutionally permissible and that the tribunal's review of the case was unlikely to affect the election. There were small, largely peaceful protests both in favor of and opposed to the president's September 30 actions.

Political Parties and Political Participation: By law groups that advocate the violent overthrow of the government and adhere to ideologies intrinsically incompatible with democracy cannot register as political parties.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. In July, Congress approved a gradual increase of the gender quota in congressional lists (lists of candidates presented by political parties for district elections) from the existing 30 percent to 40 percent by 2021, 45 percent by 2026, and parity (50 percent) by 2031.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not always implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of corruption by government officials during the year. Citizens continued to view corruption as a pervasive problem in all branches of national, regional, and local governments.

Corruption: Several high-profile political figures were under investigation for corruption, particularly in relation to the well publicized Odebrecht corruption scandal. Former president Pedro Pablo Kuczynski (2016-18), who resigned in 2018 in the wake of a corruption scandal, was under house arrest pending charges against him. Former president Ollanta Humala (2011-16) and his wife Nadine Heredia remained under investigation on charges of money-laundering campaign donations. Their pretrial detention was annulled by the Constitutional Tribunal in 2018. Former president Alan Garcia (1985-90, 2006-11) died by suicide in April when police arrived at his residence to detain him under a 10-day preliminary arrest warrant on corruption charges. Former president Alejandro Toledo (2001-06) was in preventive detention in the United States awaiting extradition for

allegedly accepting bribes during his administration. In November the Constitutional Tribunal approved a habeas corpus request to free two-time presidential candidate Keiko Fujimori from preventive detention while the investigation continued on charges of her obstruction of justice and money-laundering campaign donations.

There was evidence of widespread corruption in the judicial system. Prosecutors launched an investigation following 2018 media reports of a judicial scandal involving allegations of influence peddling and graft by various judges at all levels. In February a specialized team of prosecutors signed an agreement between the government and Brazilian company Odebrecht under which several corporate officials would collaborate with justice authorities to detail Odebrecht's corruption schemes in Peru.

PNP officials at all levels were implicated in corruption scandals during the year. In September, PNP commander Manuel Hiraldo Morillo Cribilleros, head of the Criminal Division of Puerto Maldonado in the Madre de Dios region, was arrested during a large-scale law enforcement operation targeting the Los Brothers human trafficking ring. Morillo was suspected of being involved in sex trafficking and corruption.

Financial Disclosure: Most public officials must submit personal financial information to the Office of the Comptroller General prior to taking office and periodically thereafter. The comptroller monitors and verifies disclosures, but the law was not strongly enforced. Administrative punishments for noncompliance can include suspension between 30 days and one year, a ban on signing government contracts, and a ban on holding government office. The comptroller makes disclosures available to the public. The comptroller reported only 22 audits were conducted for the 50,000 public official disclosures in 2017. In July, Congress approved an executive proposal to strengthen penalties against anonymous campaign donations.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 and environmental activists continued to express concern for their safety while working in areas with a lot of natural resource extraction, including illegal logging and mining. They alleged local authorities harassed activists, especially in areas where officials faced corruption charges and suspicion of links to criminal activities. The activists claimed the slow, ineffective process for punishing harassers effectively 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 Ministry of Interior and the Ministry of Women and Vulnerable Populations also have significant human rights roles. These government bodies were generally considered effective.

The independent Office of the Ombudsman operated without government or party interference, and NGOs, civil society organizations, and the public considered it effective.

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

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

Women

Rape and Domestic Violence: The law criminalizes rape of men and women, including spousal rape. Penalties for this crime are a minimum of 14 years and a maximum of life in prison.

The law defines femicide as the killing of a woman or girl based on expectations, assumptions, or factors distinctive to her gender. The minimum sentence for femicide is 20 years, and 30 years when the crime includes aggravating circumstances (e.g., crimes against minor, elderly, or pregnant victims). Enforcement of these laws was often ineffective.

The law prohibits domestic violence; penalties range from one month to six years in prison. The law authorizes judges and prosecutors to prevent a convicted spouse or parent from returning to the family home. The law also authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic

violence. The law requires a police investigation of domestic violence to take place within five days of a complaint and obliges authorities to extend protection to female victims of domestic violence. Enforcement of these laws was lax.

Violence against women and girls--including rape, spousal abuse, and sexual, physical, and psychological abuse--was a serious national problem with increased visibility. The Ministry of Women and Vulnerable Populations continued to operate service centers with police, prosecutors, counselors, and public welfare agents to help victims. NGOs expressed concerns about the quality and quantity of the program's services, particularly in rural areas. The ministry operated a toll-free hotline and implemented projects to sensitize government employees and the citizenry to domestic violence. The government continued efforts to expand temporary shelters, but NGOs and members of Congress stated there were not enough.

Sexual Harassment: Sexual harassment remained a serious problem. Sexual harassment is defined as comments, touching, or actions of a sexual nature that are unsolicited and unwanted by victim. It is a crime with a penalty of up to eight years in prison. Sexual harassment is also a labor rights violation subject to administrative penalties. Government enforcement of laws against sexual harassment remained minimal, although awareness was growing.

In September courts convicted a person of sexual harassment and imposed a sentence of four years and eight months in prison. This was the first-ever conviction for sexual harassment of an adult victim.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, pregnancy, pay, and property rights. The government did not enforce the law effectively. While the law prohibits discrimination in employment and educational opportunities based on gender, there was a persistent underrepresentation of women in high-ranking positions. Arbitrary dismissal of pregnant women and workplace discrimination against women were common. The law stipulates that women should receive equal pay for equal work, but women often were paid less than men. The National Institute of Statistics estimated that, as of 2018, women's earnings were an average of 68 percent of their male counterparts' earnings.

Children

Birth Registration: Citizenship is derived either by birth within the country's territory or from one's parents. The state grants a national identification number upon birth, which is essential to access most public and many private services. Government representatives and NGOs assessed that undocumented citizens were particularly vulnerable to labor exploitation, human trafficking, and crime.

Child Abuse: Violence against children and sexual abuse of children were serious nationwide problems. At-risk children may be placed with guardians or in specialized residential facilities for different kinds of victims. Not all shelters provided psychological care, although the law requires it. In most regions, residential shelters operated by provincial or district authorities were supplemented by shelters operated by schools, churches, and NGOs.

The law requires all government authorities, courts, and social service institutions to use the "best interests of the child" standard in all decisions affecting these children. The law imposes stiff prison sentences for sexual exploitation of children, abusing minors, and child trafficking, but these crimes were sometimes confused with each other. As a result, police did not always collect the correct kind of evidence to meet the prosecutor's evidentiary burden, and judges at times failed to apply relevant penalty provisions, particularly in trafficking cases.

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

Sexual Exploitation of Children: The law prohibits child pornography and stipulates a penalty of four to 12 years' imprisonment and a fine. The law prohibits child sex trafficking, with a minimum penalty of 12 years in prison. Government officials, police, NGOs, civil society leaders, and journalists identified numerous cases of child sex trafficking during the year. The country remained a destination for child sex tourism.

While the country has strong laws to protect children, it frequently had serious problems with enforcement. Media reported on the sex trafficking of minor girls in the illicit gold mining sites of the remote Amazonian Madre de Dios region. In 2018 a local NGO estimated there were approximately 400 brothels in the Madre de Dios mining region, with hundreds of minor girls living in debt bondage and subjected to sex trafficking. In February the PNP and the armed forces launched

an enforcement campaign in Madre de Dios to eliminate illegal gold mining and its related crimes, including human trafficking.

The minimum age for consensual sex is 14. A conviction for rape of a child younger than 14 carries penalties ranging from 25 years to life in prison. The law also prohibits adults from using deceit, abuse of power, or taking advantage of a child in a vulnerable situation to have sex with a person younger than 18.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html.

Anti-Semitism

Estimates of the Jewish population ranged from 3,000 to 4,000 persons. Jewish community leaders said some individuals continued to engage occasionally in anti-Semitic conspiracy theories on social media. They said the government and both private and government-run media generally did not engage in this activity. In January, Junin Governor Vladimir Cerron tweeted, "If the Left coordinates its unity well, it will successfully face the Jewish-Peruvian powers in the next general elections." In February, two months before dying by suicide to avoid arrest for a corruption investigation, former president Alan Garcia said a journalist who accused him of stopping the fight against corruption had "brought the Jewish mafia of (Josef) Maiman" to Peru. (Josef Maiman is an Israeli-Peruvian real estate developer implicated in corruption charges.) Some political leaders and media reports criticized the remarks by Cerron and Garcia.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, defined as an individual who has a physical, sensory, or mental impairment that limits one or more major life activities. The law establishes infractions and punishments for noncompliance. The law also provides for the protection, care, rehabilitation,

security, and social inclusion of persons with disabilities. It mandates that public spaces be free of barriers and be accessible to persons with disabilities. It provides for the appointment of a disability rights specialist in the Ombudsman's Office. The law mandates the government make its internet sites accessible for persons with disabilities. It requires the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media available in public libraries. The government generally did not effectively enforce these laws.

In September the government issued the General Law on People with Disabilities, requiring companies to improve their job selection processes to give persons with disabilities the opportunity to apply for jobs on equal terms. The law also requires employers to provide employees up to 56 hours per year to accompany their disabled relatives to medical appointments.

The government failed to enforce laws protecting the rights of persons with mental disabilities. NGOs and government officials reported an insufficient number of medical personnel providing services in psychiatric institutions.

While government officials improved enforcement of the rights of persons with disabilities, the country's disabled community still faced immense challenges due to inaccessible infrastructure, minimal access to education, insufficient employment opportunities, and discrimination, according to government and civil society leaders. The Ombudsman's Office reported approximately 87 percent of children with disabilities did not attend school, and 76 percent of persons with disabilities did not work. One government survey reported that 70 percent of employers stated they would not hire a person with a disability.

National/Racial/Ethnic Minorities

The law requires the government to treat all citizens equally and it prohibits discrimination based on race, national origin, or language. The government did not always enforce the law effectively.

Indigenous People

Indigenous communities remained politically, economically, and socially disadvantaged. Indigenous persons continued to face threats from land grabbers, narcotics traffickers, illegal miners, and illegal loggers who operated near or within indigenous land holdings, often in the Amazon. Indigenous persons were particularly at risk for human trafficking. Indigenous leaders expressed concerns

that the national and regional governments did not adequately protect indigenous peoples and their property interests.

While the constitution recognizes that indigenous peoples have the right to own land communally, indigenous groups often lacked legal title to demarcate the boundaries of their land. Amazonian indigenous peoples in particular continued to accuse the national government of delaying the final allocation of their land titles. By law local communities retain the right of unassignability, which should prevent the title to such lands from being reassigned to a nonindigenous person. Some indigenous community members, however, sold land to outsiders without the majority consent of their community.

The national government retains subsurface mineral rights for land nationwide. This led to disputes between local indigenous communities, the national government, regional governments, and the various extractive interests. The law requires the government to consult with indigenous communities on proposed extractive projects or on changes to ongoing extractive projects. The government is required to produce a detailed implementation plan to facilitate government and private-sector compliance; implementation of this law was somewhat effective. The law also requires the Ministry of Culture to establish a database of indigenous communities entitled to consultation. As of 2018 the ministry had recognized 55 indigenous groups as being entitled to "prior consultation." From 2014 to October 2019, the government initiated 24 prior consultations with various indigenous communities, which generated 487 agreements. Of the prior consultations, 10 were concluded and 14 continued.

NGOs, legal experts, and the Ombudsman's Office continued to express concern that indigenous communities did not have sufficient training to engage in consultations with the government and extractive industries.

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

The law recognizes the right of individuals to file legal claims of discrimination based on sexual orientation or gender identity. Four regional governments (Piura, La Libertad, Loreto, and San Martin) have regulations that explicitly prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and provide administrative relief but not criminal sanctions.

Government officials, NGOs, journalists, and civil-society leaders reported widespread official and societal discrimination against LGBTI persons in employment, housing, education, and health care based on sexual orientation or gender identity. NGOs continued to report that law enforcement authorities repeatedly failed to protect, and on occasion violated, the rights of LGBTI citizens. Police harassment and abuse of transgender women remained a problem. Transgender women reported to NGOs that municipal police in metropolitan Lima and other major cities engaged in extortion, violence, and degrading treatment against them. LGBTI persons were particularly vulnerable to human trafficking.

NGOs also reported an increase in forced or coerced conversion therapy. In August the Ombudsman's Office expressed its concern and its rejection of establishments that seek to modify the sexual orientation or gender identity of LGBTI persons. The ombudsman recommended investigations of these establishments by the Peruvian College of Psychologists, the Medical College of Peru, and the Public Ministry.

The law does not provide transgender persons the right to update their national identity documents to reflect their gender identity. Transgender persons, therefore, often did not have valid national identification cards, which consequently limited their access to government services.

HIV and AIDS Social Stigma

Persons with HIV/AIDS faced discrimination and harassment, including societal discrimination, with respect to employment, housing, and social inclusion. The Ministry of Health implemented policies to combat discrimination based on HIV/AIDS status. HIV/AIDS affected transgender women disproportionately, and many of them could not obtain health care because they lacked national identification cards reflecting their gender and appearance.

Other Societal Violence or Discrimination

In November the Ombudsman's Office reported most social conflicts involved socioenvironmental issues, with mining-related incidents accounting for 63 percent of the cases. In May a private security force member died during a confrontation with residents of the Paran community in the department of Huanuco over alleged contamination of water by the Invicta Mining Corporation. Clashes in the Tambo Valley injured at least 26 police and several civilians during protests over a construction license for the Tia Maria mining project.

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 intimidation by employers and other forms of antiunion discrimination. It requires reinstatement of workers fired for union activity, unless they opt to receive compensation instead. The law allows workers to form unions without seeking prior authorization. By law at least 20 workers must be affiliated to form an enterprise-level union and 50 workers must be affiliated to form a sector-wide union or federation. Some labor activists viewed this requirement as prohibitively high in some instances, particularly for small and medium-sized businesses, which represent 96.5 percent of all businesses. The use of unlimited consecutive short-term contracts in sectors such as textiles, apparel, and agriculture made the exercise of freedom of association and collective bargaining difficult.

The law allows unions to declare a strike in accordance with their governing documents. Private-sector workers must give at least five working-days' advance notice, and public-sector workers must give at least 10 working-days' notice. The law 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 the strike. Unions in essential services are permitted to call a strike but must provide 15 working-days' notice, receive the approval of the Ministry of Labor, obtain approval of a simple majority of workers, and provide a sufficient number of workers during a strike to maintain operations. Private enterprises and public institutions cannot fire workers who strike legally.

The law requires businesses to monitor their contractors with respect to labor rights, and it imposes liability on businesses for the actions of their contractors. Private-sector labor law sets out nine categories of short-term employment contracts that companies may use. The law sets time limits on contracts in each category and has a five-year overall limit on the consecutive use of short-term contracts. A sector-specific law covering parts of the textile and apparel sectors exempts employers from this five-year limit and allows employers to hire workers indefinitely on short-term contracts. In September, Congress renewed the agricultural promotion law, which provides for hiring, compensation, and vacation benefits for farmers until 2031.

The government did not effectively enforce the law. Although the Ministry of Labor and its National Superintendency of Labor Inspection (SUNAFIL) received budget increases in 2017 and 2018, resources remained inadequate to enforce freedom of association, collective bargaining, and other labor laws.

Penalties for violations of freedom of association and collective bargaining were insufficient to deter violations and, according to labor experts and union representatives, were rarely enforced. Workers continued to face prolonged judicial processes and lack of enforcement following dismissals for trade union activity. In October the Ministry of Labor created new services to protect unionization and freedom of association.

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. Forced labor and labor exploitation crimes continued to occur in domestic service, agriculture, forestry, mining, factories, counterfeit operations, brick making, and organized street begging.

Resources, inspections, and remediation were inadequate, and the law was not enforced effectively. The law prescribes penalties of eight to 15 years' imprisonment for labor trafficking. The government, due in part to weak enforcement and uneven application of the law, failed to deter violations.

SUNAFIL officials conducted inspections to identify forced labor. The Ministry of Labor and SUNAFIL trained SUNAFIL staff and nearly 3,000 regional labor inspectors around the country to raise awareness of forced labor and the applicable law. In September the government approved the *National Plan against Forced Labor* for 2019-22. The plan aims to identify victims of forced labor, improve the government's response to violations, restore rights that were violated, and give victims access to basic services, such as legal assistance, health care, and job training. The government also continued to implement the *National Plan of Action against Trafficking in Persons 2017-21*.

Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most of the worst forms of child labor, but there is no prohibition of child recruitment by nonstate armed groups. The legal minimum age for employment is 14, although children between the ages of 12 and 14 may work in certain jobs for up to four hours per day. Adolescents between the ages of 15 and 17 may work up to six hours per day if they obtain special permission from the Ministry of Labor and certify that they are attending school. In certain sectors of the economy, higher age minimums exist: 15 in nonindustrial agriculture; 16 in industry, commerce, and mining; and 17 in industrial fishing. The law specifically prohibits hiring minors in hazardous occupations, including working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, and working at night. The law allows a judge to authorize children who are 15 and older to engage in night work not exceeding four hours a day. 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 younger than 18 to work legally. Parents must apply for the permit, and employers must have a permit on file to hire a minor.

The Ministry of Labor and SUNAFIL are responsible for enforcing child labor laws, but enforcement was not effective, especially in the informal sector, where most child labor occurred.

In August the Labor Ministry signed a decree that establishes a public accreditation process for companies producing child-labor-free agricultural products.

A 2016 government report on child labor found that more than 26 percent of children between the ages of five and 17 worked. The report noted child labor rates correlated closely with high poverty rates. The report found the rate of child labor was highest, at 46 percent, in rural, agricultural areas, whereas in urban areas the child labor rate was 13 percent.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination 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, gender identity, HIV-positive status, or other communicable diseases. The law prohibits discrimination against domestic workers and prohibits 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 include fines and imprisonment, but they were not sufficient to deter violations. NGOs and labor rights advocates noted that discrimination cases often went unreported.

Societal prejudice and discrimination led to disproportionately high poverty and unemployment rates for women, who earned 30 percent less than their male counterparts. Women were more likely than men to work in the informal sector, such as in domestic work or as street vendors, resulting in lower wages and a lack of benefits. Women were also more likely to work in less safe occupations, such as factory work, exposing them to more occupational injuries and serious accidents.

e. Acceptable Conditions of Work

The law provides for a national minimum wage, which was less than the official estimate for the poverty income level. The government did not effectively enforce wage laws, and penalties were not sufficient to deter violations of minimum wage standards.

The law provides for a 48-hour workweek and one day of rest for formal workers. 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 15 days of paid annual vacation.

Occupational safety and health (OSH) standards are appropriate for the main industries. SUNAFIL is responsible for the enforcement of OSH standards. The government did not effectively enforce the law, as it did not devote sufficient resources or personnel to enforce OSH standards adequately.

Noncompliance with labor law is punishable by fines. According to a labor NGO and labor experts, many fines went uncollected, in part because the government lacked an efficient tracking system and at times lacked political will.

The law provides for fines and criminal sanctions for OSH violations. In cases of infractions, injury, or death of workers or subcontractors, the penalty is sufficient to deter violations. Criminal penalties are limited to those cases where employers deliberately violated safety and health laws and where labor authorities had previously and repeatedly notified employers who did not adopt corrective measures. The law requires that a worker prove an employer's culpability before he or she can obtain compensation for work-related injuries.

Representatives of labor, business, and the government reported that the majority of companies in the formal sector generally complied with the law. Many workers in the informal economy, which was approximately 70 percent of the total labor force, received less than the minimum wage. Most informal workers were self-employed. Nearly 90 percent of Venezuelan migrant workers were in the informal sector, most of them in suboptimal conditions due to their lack of proper documentation and inability to validate their academic credentials.