

Peru

Criminal investigations into grave abuses committed during the 20-year internal armed conflict that ended in 2000 remain slow and limited. Violence against women, abuses by security forces, and threats to freedom of expression are also major concerns.

Covid-19 had devastating effects in Peru. As of September, the country had confirmed over 800,000 cases and 30,000 deaths. In late August, it had the highest number of deaths per inhabitants in the world. The government established a strict lockdown to respond to the pandemic and, on March 15, declared a state of emergency, suspending some rights, particularly freedom of movement. Starting in June, authorities began easing lockdown restrictions by region and by risk category, the latter including age.

In November 9, Congress ousted then-President Martín Vizcarra citing an obscure constitutional provision allowing it to declare that the presidency has been “vacated” if the president faces “moral incapacity.” Manuel Merino, the head of Congress, took office on November 10, but resigned five days later amid massive protests and reports that the police used excessive force in response. On November 17, Congress appointed Francisco Sagasti as the new interim president.

Confronting Past Abuses

Efforts to prosecute grave abuses committed during the armed conflict have had mixed results.

Almost 70,000 people were killed or subject to enforced disappearance by the Shining Path, other armed groups, or state agents during the armed conflict between 1980 and 2000, Peru’s Truth and Reconciliation Commission estimated. The vast majority of those killed were low-income peasants; most spoke indigenous languages.

Authorities have made slow progress in prosecuting abuses committed by government forces during the conflict. As of September 2019, courts had issued rulings, including 46 convictions in 88 cases, Peruvian human rights groups reported.

Former President Alberto Fujimori was sentenced in 2009 to 25 years in prison for killings, kidnappings, and various corruption-related offenses. In 2017, then-President Pedro Pablo Kuczynski granted Fujimori a “humanitarian pardon,” citing health reasons. In 2018, a Supreme Court judge overturned the pardon. Fujimori returned to prison in January 2019, and the following month, the Supreme Court’s Special Criminal Chamber upheld the judge’s decision to overturn the pardon.

An investigation into Fujimori’s role in forced sterilizations of mostly poor and indigenous women during his presidency was still ongoing at time of writing. As of November 2019, 5,247 people had registered as victims of forced sterilizations committed between 1995 and 2001, the Ministry of Justice reported.

Courts have made little progress in addressing abuses, including extrajudicial killings, enforced disappearances, and torture, committed by security forces during the earlier administrations of Fernando Belaúnde (1980-1985) and Alan García (1985-1990). In 2019, the Supreme Court ordered a new trial of Gen. Daniel Urresti for the 1988 murder of journalist Hugo Bustíos, overturning the National Criminal Chamber’s 2018 not-guilty finding, arguing the chamber had not properly evaluated the evidence. In January 2020, Urresti was elected to a seat in Congress.

At time of writing, criminal investigations continued into the role of former President Ollanta Humala (2011-2016) in killings and other atrocities committed in 1992 at the Madre Mía military base, in the Alto Huallaga region, and in their cover-up.

In 2018, then-President Martín Vizcarra established a genetic profile bank to help search for those disappeared during the armed conflict.

Police Abuse

Police used excessive force in Lima against demonstrators protesting the removal of President Vizcarra in November. While demonstrations were largely peaceful, some protesters became violent, including by throwing stones at the police.

Police officers arbitrarily dispersed peaceful demonstrations and used excessive force, including tear gas and other “less-lethal weapons,” against peaceful protesters and journalists. Police officers, including in plain clothes, also engaged in some arbitrary detentions. Over 200 people were injured and two protesters died.

Security forces have also used excessive force when responding to largely peaceful protests that sometimes turned violent over mining and other large-scale development projects, the Ombudsman’s Office and local rights groups have reported. Three civilians died in the context of protests between June 2019 and June 2020. In August, three protesters were killed and 17 people, including 6 police officers, were wounded during protests by indigenous people against an oil company in the Amazonian region of Loreto.

Decree 1186, issued by then-President Humala in 2015, limits the use of force by police. However, Law 30151, passed in 2014, granting immunity to police who kill in “fulfilment of their duty,” may make it impossible to hold accountable police officers who use excessive force resulting in death.

In March 2020, Congress approved a so-called Police Protection Law, which could seriously aggravate the risk of police abuse. The law revokes the provision in Decree 1186 requiring that any use of force be proportionate to the gravity of the threat. It also limits judges’ authority to order pretrial detention for police officers accused of excessive use of force.

Some cases of abuse by police and soldiers in enforcing the Covid-19 lockdown have surfaced in local media reports. In one, an Army captain was caught on video slapping a teenager in the face for violating lockdown restrictions.

In August, the police raided a clandestine nightclub, operating against Covid-19 regulations, resulting in the deaths of 13 people in a stampede. Video footage appears to show police closing a door, the only escape route. The Ministry of Interior stated that police denials that they closed the door were “false information.”

Freedom of Expression

Threats to freedom of expression continue to be a concern in Peru, with some journalists facing criminal prosecution for their work, including under Peru’s overbroad anti-defamation laws.

In late 2018, the archbishop of the northern region of Piura filed a criminal defamation complaint against journalists Paola Ugaz and Pedro Salinas, for a series of stories on sexual abuse by members of Sodalitium Christianae Vitae, a Catholic society. In April 2019, Salinas received a one-year suspended prison sentence, 120 days of community service, and a fine of approximately US\$24,000. By August 2019, the archbishop had withdrawn his complaints, the cases were closed, and Salinas’s conviction was revoked. But by then, a former manager of a real estate company mentioned in the stories had filed a new complaint against Ugaz. It remained pending at time of writing.

Throughout 2020, Ugaz was named in seven more criminal cases, including three allegations of defamation arising from her stories on sexual abuse. They all remained pending at time of writing.

In September, Salinas said unknown people in a neighborhood where he and Ugaz own houses were asking about them and their personal schedules.

Women’s and Girls’ Rights

Gender-based violence is a significant problem in Peru. The Ministry of Women reported 166 “femicides”—defined as the killing of a woman in certain contexts, including domestic violence—in 2019, and 111 from January through October 2020.

During the Covid-19 lockdown (March-June), the ministry reported 28 femicides, 32 attempted femicides, and 226 cases of sexual abuse against girls.

Women and girls can legally access abortions only in cases of risk to their health or life.

In 2014 the Ministry of Health adopted national technical guidelines for such legal therapeutic abortions that have since been challenged in two separate

court filings by anti-abortion groups. Both cases were dismissed but appeals remained pending at time of writing.

Many women and girls face barriers to access legal abortion. In October 2020, “Camila,” an indigenous girl, presented a petition before the United Nations Committee on the Rights of the Child, claiming that authorities denied her an abortion even though she was raped and the pregnancy put her life at risk.

In 2019, a Lima judge declared that a 2009 Constitutional Court ruling that had banned free distribution of emergency contraception pills was no longer applicable. In late October, however, an appeals court revoked the Lima judge’s ruling on procedural grounds.

In July 2020, Congress amended the Organic Law on Elections to establish gender parity in congressional elections, requiring that 40 percent of candidates be female by 2021, 45 percent by 2026, and 50 percent by 2031.

Disability Rights

Peru has a legal framework recognizing full legal capacity for people with disabilities, but electoral authorities (RENIEC) have failed to take action to include in the electoral register people with disabilities who were previously under guardianship, depriving them of their right to vote. At time of writing, the Peruvian executive branch had not issued enabling legislation to fully implement legal capacity for people with disabilities.

Sexual Orientation and Gender Identity

Same-sex couples in Peru are not allowed to marry or enter into civil unions. In recent years, courts have begun recognizing same sex-marriages contracted by Peruvians abroad. In November, the Constitutional Tribunal denied recognition to a same sex-marriage contracted abroad.

In April, the government decreed a gender-based Covid-19 lockdown, allowing men and women to leave home on separate days. The rules did not account for transgender people, and media reported several cases of police abuse against them. The government reversed the measure shortly over a week after passing it, noting that most shopping was happening only on women’s days.

In August, the Ministry of Justice issued a resolution allowing same-sex partners of public health workers to access state benefits in the event of Covid-19-related deaths.

Also in August, a judge ordered the civil registry to allow transgender Peruvians to change their name and sexual identification on national identity documents. The registry’s appeal of the ruling remained pending at time of writing.

In March 2020, the Inter-American Court of Human Rights found Peru responsible for the arbitrary detention and rape of a transgender woman at the hands of police, marking the first time it has ruled on a complaint of torture related to a victims’ gender identity or sexual orientation.

Human Rights Defenders and Community Leaders

Human rights defenders and environmental activists, as well as other community leaders, have been threatened and killed in recent years. In April 2019, the Ministry of Justice established measures to protect at-risk human rights defenders and their relatives.

In April 2020, Arbildo Meléndez Grandes, an indigenous leader and environmental defender, was killed in the central Andes region of Huánuco. In May, Gonzalo Pío Flores, an indigenous leader and environmental defender, was killed in the central region of Junín.

Refugees, Asylum Seekers, and Migrants

More than 480,000 Venezuelans were seeking asylum in Peru at time of writing, the largest number of registered Venezuelan asylum seekers in any country. This is in part because temporary residence permits are no longer available in Peru. Since 2019, applying for asylum has become the most straightforward way to regularize status.

More than 800,000 Venezuelans live in Peru. More than 486,000 received temporary work permits before the government stopped issuing them in 2019. The permits allowed them to work, enroll their children in school, and access health care.

The government has see-sawed on whether to require Venezuelans to show passports to enter the country. The requirement would close the door to many, as obtaining a passport in Venezuela is extremely difficult. In October 2018, a judge annulled a passport requirement that had been established that August. But in June 2019, the government passed a resolution requiring all Venezuelan migrants to apply for a humanitarian visa at a Peruvian consulate before entering. A lawsuit against the resolution by a coalition of non-governmental organizations was pending at time of writing.

In May 2020, lawmakers introduced a bill that would annul all previously issued temporary residence permits and criminalize undocumented immigration with up to five years in jail.

Key International Actors

In May, the Inter-American Commission on Human Rights (IACHR) expressed concern about the critical health situation of indigenous communities in Peru, in the context of the Covid-19 pandemic.

In August, UN experts on business and human rights urged Peru to ratify the Escazú Agreement, a treaty that seeks to strengthen transparency, political participation, and access to justice mechanisms in environmental matters. In October, Congress voted not to approve the treaty.

Peru is an active member of the Lima Group, a coalition of states seeking to address the human rights crisis in Venezuela.

In September 2018, Peru and five other countries referred the situation in Venezuela to the International Criminal Court prosecutor to determine whether a formal investigation by the court is warranted.

As a member of the UN Human Rights Council, Peru has supported resolutions spotlighting human rights abuses, including in Belarus, Eritrea, Iran, Syria, Myanmar, Nicaragua, and the Occupied Palestinian Territories.

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The government closed schools in March. While the government took some measures to ensure remote teaching, many students have not been able to attend. The Ministry of Education said in September that 230,000 students had dropped out of school and 200,000 others were not attending classes, despite being enrolled. The ministry announced schools would reopen in 2021.

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Peru endorsed the World Health Organization’s Solidarity Call to Action for the Covid-19 Technology Access Pool, an initiative to “realize equitable global access to COVID-19 health technologies through pooling of knowledge, intellectual property and data.”