

Freedom in the World 2013 - Peru

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2013 Scores

Status: Free
Freedom Rating: 2.5
Civil Liberties: 3
Political Rights: 2

Overview

Significant social conflict, mostly involving local protests against mining industry projects, continued to afflict Peru throughout 2012. The government led by President Ollanta Humala responded with a mix of force and dialogue, but took few steps toward providing clear frameworks for dispute resolution. A recall referendum against Lima mayor Susana Villarán was approved in November despite serious questions about the legitimacy of the signature-gathering process.

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

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

According to official results, Fujimori outpolled Alejandro Toledo – a U.S.-educated economist who had been raised in one of Peru's urban squatter settlements – in the first round of the 2000 presidential election. Toledo boycotted the runoff, pointing to widespread doubts about the process's legitimacy.

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

In 2004, a special anticorruption court convicted Montesinos in the first of many cases against him, sentencing him to 15 years in prison. Fujimori flew to Chile from Japan in 2005 in the hopes of mounting a 2006 presidential bid in Peru, but he was immediately detained as Peru requested his extradition. García won the 2006 presidential election, defeating Ollanta Humala of the Peruvian Nationalist Party (PNP), while the PNP and its allies led the congressional elections. Once in office, García focused on macroeconomic growth and stability for foreign investors.

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

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

The 2011 presidential election was characterized by sharp polarization. With various candidates dividing the center, the leftist Humala and right-wing Keiko Fujimori – daughter of the former president – were the top finishers in the first round. In concurrent legislative elections, an alliance led by the PNP captured 47 of the 130 seats, followed by Fujimori's Force 2011 party with 38 seats and Perú Posible with 21 seats. García's Peruvian Aprista Party (APRA) captured just four seats.

During the run-up to the presidential second round in June, Fujimori portrayed Humala as a dangerous leftist, while Humala sought to soften his image while tying Fujimori to her father's authoritarianism. Despite Fujimori being the clear favorite among much of the country's elite class, including major print and broadcast media outlets, Humala ultimately won by a margin of three percentage points.

The new president's Peru Wins alliance forged a congressional majority with Perú Posible. The administration was successful in securing unanimous passage of the Law of Prior Consultation, which holds that native communities must be consulted on development projects in their areas. However, social conflict reemerged, as opposition to a proposed gold mine in the northern region of Cajamarca led to large-scale protests and scores of injuries. Humala suspended the project, but in early December he reversed course, declaring a state of emergency in several of the affected areas.

and breaking off talks. He also oversaw a cabinet shuffle that included the replacement of Prime Minister Salomón Lerner with former army officer Oscar Valdés. This move added to suspicions among some initial Humala supporters that the government was moving to the right and undergoing a process of militarization.

Tension remained high during the first half of 2012, as mining-related protests in Cajamarca, Cuzco, and other regions resulted in clashes with the police that caused several deaths. In July, Valdés and five other ministers were replaced; new cabinet chief Juan José Jiménez instituted more active conflict management, and violent clashes decreased in the second half of the year.

Meanwhile, economic growth and expanded social programs helped raise Humala's approval rating to around 48 percent – a high figure by Peruvian standards – by year's end. His relative success fueled speculation that his wife Nadine Heredia, whose approval was even higher, would seek to succeed him in the presidency despite both her frequent denials and a legal ban on the election of direct relatives of the current president.

In November 2012, opponents of Lima mayor Susana Villarán gathered sufficient signatures to force a recall referendum in March 2013. The process was allowed to move forward despite serious questions about the legitimacy of the process, including opaque financing, the validity of many of the signatures, and a series of contradictory rulings by the National Election Board. The mayor's opponents pointed to her low approval ratings, while supporters alleged that opponents were motivated by the mayor's efforts to investigate corrupt practices committed during the previous administration.

Political Rights and Civil Liberties

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

The president and the 130-member, unicameral Congress are elected for five-year terms. Congressional balloting employs an open-list, region-based system of proportional representation with a 5 percent vote hurdle for a party to enter the legislature. A lack of programmatic coherence among parties and occasional party-switching by politicians have reinforced a broader trend toward political fragmentation. However, regional presidents have become important actors, and the regional and local elections in October 2010 resulted in a moderately increased consolidation of regional political movements. In 2012, controversy continued to surround a group advocating for the release of Shining Path prisoners. The group's petition to register as a political party was rejected in 2011.

Corruption is a serious problem. Checks on campaign financing are particularly weak at the local level, where drug traffickers' influence is perceived to have grown in recent years. Peruvians rated corruption as the most negative aspect of President García's administration, but a congressional commission charged with investigating corruption among García administration officials produced few criminal accusations in 2012. Some government agencies have made progress on transparency, but a December 2012 decree labeled as secret all information related to defense and security

policies, drawing an outcry from government watchdogs. Peru was ranked 83 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The lively press is for the most part privately owned. Officials and private actors sometimes intimidate or even attack journalists in response to negative coverage. Low pay leaves reporters susceptible to bribery, and media outlets remain dependent on advertising by large retailers. The local press watchdog Institute for Press and Society registered 95 violations of press freedom during 2012. Defamation remains criminalized, and several journalists were convicted in 2012, including prominent reporter Juan Carlos Tafur and colleague Robert More, who each received a fine and suspended sentence in June for defaming a former Army general. The government does not limit access to the internet.

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

The constitution provides for the right to peaceful assembly, and the authorities uphold this right for the most part. However, the executive branch has issued several decrees in recent years that limit police and military responsibility in the event of injury or death during demonstrations, and the government has both frequently resorted to declarations of states of emergency and done little to prevent excessive use of force by security forces when confronting protests. According to the government, 191 Peruvians died in episodes of social conflict during the García administration, including 38 police and soldiers; several thousand others faced charges for protest-related incidents. At least 24 more protesters were killed by government forces during 2012. Analysts frequently observe that the government's approach to local grievances, which often involve environmental issues, typically eschews mediation and early intervention in favor of reaction in the form of repression by militarized police units and sometimes military forces. Over fifty community members involved in the 2009 Bagua protests are facing trial, while very few members of the police or military have faced charges for protest-related incidents in recent years.

Freedom of association is generally respected, but conservative politicians frequently allege that nongovernmental organizations (NGOs) hinder economic development. Anti-mining activists, including noted environmental leader Marco Arana, have been subjected to arbitrary arrest or faced questionable legal charges in recent years, while several NGOs have experienced various forms of intimidation.

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

The judiciary is widely distrusted and prone to corruption scandals. While the Constitutional Court is relatively independent, its autonomy has undergone a mix of setbacks and advances in recent years. A 2008 Judicial Career Law improved the entry, promotion, and evaluation system for judges, and the judiciary's internal disciplinary body has been highly active. By the end of 2012, however, the terms of six of the Constitutional Court's seven members had expired amid delays in the process of appointing new justices.

A significant majority of inmates are in pretrial detention, and the inmate population is far above the system's intended capacity. Since 2006, an adversarial justice system designed to improve the speed and fairness of judicial proceedings has slowly been implemented. Access to justice, particularly for poor Peruvians, remains problematic, and crime has risen. In an October 2012 poll, 43 percent of residents of 10 major cities reported being the victim of a crime in the previous year.

The military continues to place numerous obstacles in the path of investigators regarding past violations. The García government made almost no efforts to prioritize justice for cases of human rights abuses by state actors during the 1980s and 1990s, and the Humala administration has remained similarly passive. In 2010, the government announced a decree that would have applied a statute of limitations to grave human rights abuses committed during the internal conflict, but domestic and international outcry forced a retreat, and the Constitutional Court subsequently declared the decree unconstitutional. Other decrees announced that month – expanding the military's internal role and extending the reach of the military justice system – remained in force. In August 2012, the Supreme Court (CSJ) issued a controversial decision stating that the actions of a state-sponsored death squad in the 1990s did not constitute crimes against humanity. Rights groups immediately sought guidance from the Inter-American Court of Human Rights, which urged the CSJ to revoke the decision, which it did in September. In October, relatives of former president Alberto Fujimori formally presented a request for a medical pardon, which was under examination at year's end.

Remnants of the Shining Path, which are involved in the drug trade, continue to clash with security forces in the Apurímac-Ene River Valley and Upper Huallaga zones. The coca-eradication efforts and economic development programs in other regions have failed to reverse a trend toward increased coca production. In February 2012, the government captured the main leader of the Alto Huallaga faction, known only as Comrade Artemio, though attacks during the year killed over 20 members of the security forces. In August, the government sent Congress a bill that would criminalize the denial of terrorism; following complaints about the law's scope, the government submitted a narrower version that remained under consideration at year's end but remained subject to sharp criticism by human rights groups.

Discrimination against the indigenous population remains pervasive. Regulations to implement the Law of Prior Consultation passed in September 2011 were issued in April, and government agencies began establishing consultation mechanisms, but delays in initiating the first formal process fueled worries that the government's need for mining revenue would continue to take precedence over indigenous people's environmental concerns.

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

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