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## Amnesty International Report 2017/18 - The State of the World's Human Rights - Peru

Land and territory-related rights continued to be threatened by the adoption of laws weakening the protection framework for the rights of Indigenous Peoples and undermining the right to free, prior and informed consent. Violence against women and the rate of pregnancy among girls continued to increase without an effective response from the state. A presidential pardon and grace granted to former Peruvian president Alberto Fujimori on humanitarian grounds raised serious concerns regarding impunity and the respect of due process guarantees.

### Human rights defenders

Both state and non-state actors continued to threaten and harass human rights defenders, particularly those working on issues related to land, territory and the environment, in the absence of policies for their effective protection or public recognition of the importance of their work. Human rights defenders were criminalized and harassed through judicial proceedings with high penalties, and they usually lacked financial resources for adequate legal representation.

In May, the Supreme Court confirmed the acquittal of Máxima Acuña, putting an end to an unfounded criminal proceeding for land seizure that had lasted for more than five years. Máxima Acuña and her family continued to report acts of intimidation, while the ownership of the lands on which they lived was still pending judicial resolution.

### Indigenous Peoples' rights

The issuance of a series of regulations lowering environmental standards and procedures for access to land aimed at promoting extractive or infrastructure projects continued to conflict with the protection framework for Indigenous Peoples' rights.

Indigenous Peoples of the Cuninico community in Loreto region and the communities of Espinar in Cusco region were still suffering a health crisis due to their only water sources being contaminated with toxic metals, while the government failed to undertake necessary actions to provide them with specialized medical attention or access to clean and safe water.

No substantial progress was made in the case of four Asháninka Indigenous leaders who were killed in Ucayali region in 2014 after reporting death threats from illegal loggers to the authorities.

## Impunity

One year after its approval, the National Plan for the Search for Disappeared Persons was still not implemented.

On 24 December, President Kuczynski granted a humanitarian pardon and grace to former president Alberto Fujimori who, since 2009, had been serving a 25-year sentence for crimes against humanity. The decision was seriously flawed by lack of transparency, impartiality, respect for due process and participation of the victims and their families, notably given the severity of the crimes under international law.

In June, the Supreme Court of Chile confirmed the extension of Alberto Fujimori's extradition request to include the killing of six residents of Pativilca district in the department of Lima in January 1992. In July, the Third National Criminal Prosecutor's Office of Peru accused Alberto Fujimori of responsibility for this crime, committed by his subordinates in complicity with others. Nevertheless, the grace granted to him on 24 December lifted any criminal proceedings against him, therefore raising concerns of impunity in the Pativilca case.

In August, military officers were sentenced for the torture, enforced disappearance and extrajudicial execution of 53 people in Los Cabitos military barracks in Ayacucho in 1983.

In September, the trial began of former navy personnel charged with killing more than 100 people during a riot in El Frontón prison in 1986, a charge which could amount to a crime against humanity.

## Violence against women and girls

Between January and September the Attorney General's Office registered 17,182 complaints of “crimes against sexual freedom”, which include rape and other forms of sexual violence. Only 2,008 (11%) of the complaints were followed up by the judiciary. The registry of complaints did not list the gender of complainants.

In the same period, the Ministry for Women reported 94 cases of femicide.

There were no concrete advances in policy or legislation to combat violence against women and girls.

## Sexual and reproductive rights

Pregnancy rates among girls remained high. Official records showed that at least 12 girls aged 11 and under, and 6,516 girls aged between 12 and 17, gave birth between January and March.

Abortion continued to be criminalized in all circumstances except when the health or life of the pregnant woman or girl is at risk. The debate on a bill for decriminalization of abortion in cases of rape was pending before Congress.

More than 5,000 women had been included in the Registry of Victims of Forced Sterilization. Despite this, there was no progress in obtaining justice and providing reparation.

## Rights of lesbian, gay, bisexual, transgender and intersex people

Peru continued to lack specific legislation recognizing and protecting the rights of LGBTI people, who continued to face discrimination and violence based on their sexual orientation or gender identity.

In May, Congress partially repealed Legislative Decree 1323, including the section which established “sexual orientation and gender identity” as aggravating grounds for certain crimes and as elements of the crime of discrimination.

Transgender people continued to lack social and legal recognition of their gender identity, and were deprived of their rights to freedom of movement, health, work, housing and education, among others.

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