

Peru - Human Rights Scorecard ¹

Peru, officially the Republic of Peru, is a country in western South America. It is bordered in the north by Ecuador and Colombia, in the east by Brazil, in the southeast by Bolivia, in the south by Chile, and in the west by the Pacific Ocean. Peru is an extremely biodiverse country with habitats ranging from the arid plains of the Pacific coastal region in the west to the peaks of the Andes mountains vertically extending from the north to the southeast of the country to the tropical Amazon Basin rainforest in the east with the Amazon river.²

Official language: Spanish, Quechua and Aymara

Ethnic groups: 45% Amerindian, 37% Mestizo, 15% White, 2% others

Government: Unitary presidential constitutional republic

- President: Ollanta Humala
- Prime Minister: Pedro Cateriano

Death penalty: Abolitionist for ordinary crimes only

Population: 30,147,935

Life expectancy: 73.23 years

Under-5 mortality: 20.21 deaths per 1,000 births

Adult literacy: 94.5 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected³

The government or its agents did not commit any politically motivated killings in 2013.

Freedom from disappearance



Respected⁴

There are no reports of politically motivated disappearances during 2013.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected⁵

The law prohibits such practices. Local NGOs and the UN Committee Against Torture (UNCAT) report that torture continues to be a problem, primarily within the police force, and state that the government does not effectively prevent and punish those who committed such abuses.

Freedom from arbitrary arrest or detention



Partially respected⁶

Although the constitution and the law prohibit arbitrary arrest and detention, some arbitrary detentions occur during social protests. The right to freedom from arrest without warrant is constitutionally suspended in designated emergency zones.

Freedom from denial of fair public trial



Respected⁷

The law provides for the right to a fair and public trial. All defendants are presumed innocent; they have the right to be informed promptly and in detail of the charges and to a fair and public trial without undue delay. Language services for non-Spanish speakers are sometimes unavailable.

Freedom from arbitrary interference with privacy, family, home or correspondence



Partially respected⁸

The law prohibits such actions. There are reports, however, that authorities sometimes enter private dwellings before obtaining a warrant. The right to inviolability of the home is legally suspended in the UHV and VRAEM emergency zones.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 31.7, Rank: 92 / 180 – Partially controlled, limited or intimidated¹⁰

Peru's press is mostly privately owned. Some observers claim that media outlets fear harassment or violence. Authorities are reluctant to recognize the continued exposure of journalists to intimidation or even attacks in response to negative coverage.

Freedom from academic censorship



Respected¹¹

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

Freedom of peaceful assembly and association



Partially respected¹²

The constitution provides for the right of freedom of assembly and association. However, the government tends to suspend the freedom of assembly in emergency zones where armed elements of the Shining Path operate and in regions suffering from acute natural disasters.

Freedom of religion



Partially respected¹³

The constitution protects religious freedom. However, non-Catholic religious groups are unable to register and receive certain benefits available to the Catholic Church under new regulations adopted in 2011. There are reports of societal abuses based on religious affiliation, belief, or practice.

Protection of refugees and stateless persons



Respected¹⁴

Peru cooperates with the UNHCR and other humanitarian organizations to provide protection and assistance to refugees. The government has taken unprecedented measures to provide identity documents to hundreds of thousands in rural areas, who are *de facto* stateless.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



3 / 7 – Free¹⁷

Peru does not place formal restrictions on movement nor restrict academic freedom. However, while the constitution grants the right to peaceful assembly and religious freedom, excessive force is often used against protesters and the Roman Catholic Church receives preferential treatment.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



2 / 7 – Free¹⁹

Although the 2011 elections were sharply polarized, they were deemed generally free and fair by international observers. While the Peruvian political landscape remains both highly fragmented and extremely personalized, political parties are allowed to compete for office.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 38%, Rank: 85 / 175 – Highly corrupt²¹

Corruption is a serious problem, and scandals blossomed throughout 2014 at multiple levels of government. In January 2014, a congressional commission released a series of reports detailing corruption incidents under the administration of former president Alan García (2006–2011).

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²²

Domestic and international NGOs generally operate without government restriction, investigating and publishing their findings on human rights cases. Human rights activists, however, report harassment by locally elected authorities in areas with endemic corruption.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 71.98%, Rank: 45/ 136 – Somewhat unequal rights²⁴

The law stipulates that women should receive equal pay for equal work, but women often get paid less than men. Due to societal prejudice and discrimination women suffer more poverty and unemployment than men, and are also more likely to be illiterate due to lack of formal education.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 64.3%, Rank: 96 / 165 – Somewhat protected²⁶

The constitution stipulates that primary and secondary education is compulsory and universal. The minimum age for consensual sex, marriage and military recruitment is 18. Nevertheless, violence against and sexual abuse of children are still serious problems in Peru.

Rights of persons with disabilities



Partially respected²⁷

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care. One NGO, however, reports that more than half of all public schools do not meet basic standards for students with disabilities.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected²⁸

The law provides all citizens equality before the law and forbids discrimination on the basis of race, national origin, or language. Nevertheless, persons of African descent face societal discrimination and prejudice. NGOs report employers often require applicants to submit photographs.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

The law does not specifically protect persons based on sexual orientation or gender identity and there is no government statistics on such discrimination. LGBT persons report regularly facing official and societal discrimination in employment, housing, education and health care.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Respected³¹

With certain limitations, labor laws and regulations provide for freedom of association, the right to strike, collective bargaining, and protection from employer intimidation and other antiunion discrimination. Regulations allow workers to form unions without seeking prior authorization.

Freedom from forced or compulsory labour



Largely disrespected³²

The law prohibits all forms of forced or compulsory labor. Nevertheless, thousands of people are estimated to be subject to conditions of forced labor, mainly in mining, forestry, agriculture, and domestic service, with women often found working under conditions of domestic servitude.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³³

The legal minimum age for employment is 14, however, child labor remains a serious problem. In 2010 the International Labor Organization estimated there were 2.8 million working children in Peru, with 68 percent (1.9 million) performing the worst forms of child labor.

Right to acceptable conditions of work



Partially respected³⁴

The law provides for minimum wage, overtime premium, 8-hour working day, 48-hour workweek, and one day of rest, among other things. NGOs report that the workplace health and safety laws are adequate but that the tools to implement the law are often lacking.

Right to employment



3.8% - Reasonable unemployment³⁵

Peru's unemployment rate between 2010 and 2014 remained relatively constant, hovering between 3.6 and 4 percent.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed June 5, 2015.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

³ "Country Reports on Human Rights Practices for 2013: Peru." U.S Department of State. January 1, 2013. Accessed June 5, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2015. Accessed June 5, 2015. <https://index.rsf.org/#!/index-details/PER>.

¹¹ "Country Reports on Human Rights Practices for 2013: Peru." U.S Department of State. January 1, 2013. Accessed June 5, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹² Ibid. U.S Department of State.

¹³ "Peru." International Religious Freedom Report for 2013. January 1, 2013. Accessed June 5, 2015.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁴ "Country Reports on Human Rights Practices for 2013: Peru." U.S Department of State. January 1, 2013. Accessed June 5, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed June 5, 2015.

<https://www.freedomhouse.org/report/freedom-press-2015/methodology#.VXHAOC6a9ho>.

¹⁷ "Peru." Freedom in the World 2015: Peru. January 1, 2015. Accessed June 5, 2015. https://freedomhouse.org/report/freedom-world/2015/peru#.VXG_386a9ho.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed June 5, 2015. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>.

¹⁹ "Peru." Freedom in the World 2014: Peru. January 1, 2014. Accessed June 5, 2015. https://freedomhouse.org/report/freedom-world/2015/peru#.VXG_386a9ho.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial

secret. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Peru." Corruption by Country. January 1, 2014. Accessed June 5, 2015. <http://www.transparency.org/country#PER>.

²² "Country Reports on Human Rights Practices for 2013 Peru." U.S Department of State. January 1, 2013. Accessed June 5, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Peru." World Economic Forum. January 1, 2014. Accessed June 5, 2015. http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed June 5, 2015. <http://www.kidsrightsindex.org/Portals/5/pdf/Pdf-documenten%20juli%202014/The%20KidsRights%20Index%20-%20Overall%20score%20-%20juli%202014.pdf>.

²⁷ "Country Reports on Human Rights Practices for 2013: Peru." U.S Department of State. January 1, 2013. Accessed June 5, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed June 5, 2015. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2013: Peru." U.S Department of State. January 1, 2013. Accessed June 5, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country.

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed June 5, 2015. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang-en/index.htm.