

## Peru

### **Country Reports on Human Rights Practices - 2006 Released by the Bureau of Democracy, Human Rights, and Labor March 6, 2007**

Peru is a multiparty republic with a population estimated at 28 million. On June 4, Alan Garcia of the Popular Revolutionary Party Alliance (APRA) won the presidency in elections that were generally free, fair, and transparent. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the government continued efforts begun during the Toledo administration to expand and consolidate labor law and to prosecute those responsible for gross human rights violations.

The terrorist organization, Shining Path (Sendero Luminoso), was responsible for killings and other human rights abuses.

The following human rights problems were reported: beatings, abuse, and torture of detainees and inmates by police and prison security forces; inability to protect witnesses involved in criminal cases; poor prison conditions; prolonged pretrial detention and inordinate delays of trials; attacks on the media by local authorities and organized crime; violence and discrimination against women; violence against children; including sexual abuse; trafficking in persons; discrimination against indigenous people and minorities; significant obstacles to persons with disabilities; failure to either apply or enforce labor laws; and child labor in the informal sector.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

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

On January 24, the Penal Court on Anticorruption extended the time limit for detention without sentencing in the La Colina case involving 56 military officers charged with participating in the massacre of civilians at Barrios Altos in 1991, La Cantuta in 1992 and del Santa in 1992 and the disappearance of Pedro Yauri in 1992. The accused had been detained for 36 months, and the court extended their detention for another 36 months.

On February 20, authorities filed homicide charges in criminal court in Huanta against two military officers in the 2004 case of Peter Vasquez Chavez, a 23-year-old recruit found dead at the Cangari Huanta Military Base in Ayacucho.

On March 16, the International Commission on Human Rights presented the La Cantuta case to the anticorruption court and asked that army officers be retried for the murder of nine students and a professor at the National University of Education in 1992.

On May 31, the National Penal Court charged policemen Flavio Roberto Vasquez Burga and Walter Ochoa Magallanes for their role in the death of Ricardo Huaranga Felix, who died in police custody in 2004. According to the Inter-American Commission of Human Rights, witnesses in the case continued to receive threatening phone calls.

On June 16, a mass grave containing 80 bodies was discovered in Pichari in northern Cusco. The Public Ministry began investigating the case.

On July 12, superior prosecutor Luz Ibanez Carraza notified the government that he would begin investigations into 516 cases of alleged human rights violations committed by the state over the past 20 years.

In August the prosecutor's office dropped the case against Alan Garcia and members of his cabinet for their alleged roles in the 1986 El Fronton prison massacre. (Garcia's first term as president lasted from 1985-1990). The Human Rights Commission (COMISEDH) appealed the decision, and the First Supraprovincial Court continued investigating the possibility of issuing charges against the officials allegedly responsible for the loss of life at El Fronton.

On August 20, the Second Supranational court began an investigation into charges that former president Alberto Fujimori ordered the killing of 41 members of Shining Path in May 1992 at the Ramon Castro penitentiary.

On August 21, opposition leader Ollanta Humala was charged with human rights violations and was prohibited from leaving the country. Humala was charged with participating in disappearances, torture, and murder at the Madre Mia military base in 1992.

On October 11, the superior attorney of the Third Penal Court on Anti-Corruption asked for sentences of 20 years for former Intelligence Service Director Vladimiro Montesinos, former Armed Services Chief General Nicolas Hermoza, Colonel Roberto Huaman, and Colonel Jesus Zamudio, who remained in custody. The case involved charges of extrajudicial killings in the 1997 rescue of 74 hostages at the Japanese ambassador's residence.

The court of Puquio in Ayacucho continued investigations into the role of four military officers in the 2004 death of Army Corporal Edgar Ledesma Lopez, who was found dead in his barracks.

On April 26, oral proceedings began in the National Criminal Court for the 1980 case of eight peasants in Chuschi, who were reportedly tortured and killed by soldiers. In 2004 the Supreme Court of Justice had ruled that civilian courts should try the soldiers because the case involved allegations of human rights violations. The proceedings continued at year's end.

On October 13, a civilian court in Lima found Abimael Guzman, the 71-year-old leader of Shining Path, guilty of terrorism. Guzman received a life sentence, as did Shining Path's second-in-command, Elena Iparraguirre. Nine other Shining Path leaders received lesser prison sentences.

#### b. Disappearance

According to the Peruvian National Police (PNP), the terrorist group Shining Path killed five police officers and eight civilians and were responsible for 92 serious terrorist incidents during the year. Unlike in 2005, there were no reports of kidnappings committed by the Shining Path.

On March 21, PNP Colonel Juan Carlos Mejia Leon was sentenced to 16 years in prison for the 1990 kidnapping and disappearance of Ernesto Rafael Castillo Paez. Two low-ranking military officials and an officer were sentenced to 15 years in prison while 12 others were absolved of the crime. At year's end the defendants were appealing the decision.

On July 21, the Public Defender's Office officially recognized that 150 cases of missing persons were actually political disappearances. The Public Defenders office continued its investigations into an additional 941 cases.

There were no new developments in the trial of 11 policemen for the 2003 disappearance of Andy Williams Graces.

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

Although the law prohibits such practices, reports surfaced of excessive use of force by security officials. The authorities seldom punished those who committed abuses.

Allegations of torture most often arose immediately following an arrest, when families were prohibited from visiting suspects and when attorneys had limited access to detainees (see section 1.d.).

In some cases police and security forces allegedly threatened or harassed victims, their relatives, and witnesses to prevent them from filing charges of human rights violations. According to COMISEDH, a nongovernmental organization, some victims were reluctant to pursue judicial proceedings for fear that abusers would be released without being charged. COMISEDH reported 13 cases of aggravated torture by security forces. Three victims died from their wounds. The PNP were involved in seven cases. Municipal security units were involved in two cases, as were penitentiary guards and military units, for a total of six cases.

On February 7, authorities filed homicide charges in criminal court in Huanta against two military officers in the 2004 case of Peter Vasquez Chavez, a 23-year-old recruit found dead at the Cangari-Huanta Military Base in Ayacucho.

On February 15, the national superior penal prosecutor charged five police officers for the crime of simple torture. Oral proceedings began in the National Penal Court.

On February 21, the presiding judge in Ancash found six prison guards guilty of beating inmate Alfonso Valle Oquendo in 2002. The defendants' continued their appeal in the superior court.

On March 31, 20 police officers allegedly beat Luis Alberto Saravia to death. The Public Defender's Office continued to investigate the case.

On April 3, Cristhian Rolangelo Contreras Atco charged that three policemen had beaten him unconscious. The Fifth Supraprovincial Penal Prosecutor of Lima continued its investigation into the case.

The April 2005 case of the alleged police beating of Wilmer Cubas Carranza remained at year's end in the preliminary investigation stage with the Second Supraprovincial Prosecutor of Lima.

In June the Public Defender's Office began an investigation into the May 28 riot at La Asuncion prison in Junin. Guards were accused of allowing prisoners access to alcohol and prostitutes within the penitentiary and of beating prisoners after the riot.

In July the director of Sarita Colonia Prison, Manuel Vásquez Coronado, allegedly beat inmate Samuel David Flores Valdivia. An investigation by the Fifth Prosecutor's Office of Callao continued at year's end.

The 11th provincial prosecutor of Lima's Northern Cone continued to investigate the case of army soldier Misael Mendoza Carrion, who was allegedly beaten by a superior officer in 2004 and suffered a loss of hearing.

The National Penal Courts absolved the policeman involved in the 2002 beating of Jair Martin Rodriguez and his brother. COMISEDH appealed the decision to the Supreme Court.

#### Prison and Detention Center Conditions

Prison conditions were harsh. Prisoners with money had access to cellular telephones, illicit drugs, and meals prepared outside of the prison, but conditions were poor to extremely harsh in all facilities for prisoners lacking funds. Overcrowding, poor sanitation, and inadequate nutrition and health care were serious problems. Inmates had intermittent access to running water; bathing facilities were inadequate; kitchen facilities were unhygienic; and prisoners slept in hallways and common areas for lack of cell space. Illegal drugs were available in many prisons, and tuberculosis and HIV/AIDS were reportedly at near epidemic levels. Prison authorities budgeted approximately one dollar (3.18 soles) per prisoner per day for food. At Lima's San Juan de Lurigancho men's prison, the country's largest; more than 8,500 prisoners lived in a facility built for 1,500. The National Penitentiary Institute (INPE), with support from the Red Cross (ICRC) and the NGO Doctors without Borders, provided diagnostic equipment and updated technology to improve the healthcare services provided to inmates.

The INPE runs 55 of the country's 84 prisons; the PNP controls the rest. In June the congress passed laws requiring the INPE to take charge of all prisons within three years. Congress also authorized INPE to hire 400 additional prison guards.

The ICRC reported a shortage of trained medical personnel, inadequate legal representation for prisoners, a lack of social workers and psychologists, and a disorganized system of administration.

Conditions were especially harsh in maximum-security facilities located at high altitudes. The government responded to criticisms from human rights monitors, including Amnesty International, and permanently closed the Challapalca Prison in Tarata, Tacna in 2005. The Yanamayo prison in Puno was also closed. The high-security prison in Iquitos was in poor condition, with the physical infrastructure of the building near collapse. The prison facility in Maynas was in such disrepair that rubble prevented guards from reaching some watchtowers.

Prison guards and fellow inmates routinely victimized and abused prisoners. Guards received little or no training or supervision. Corruption was a serious problem, and some guards cooperated with criminal bosses, who oversaw the smuggling of guns and drugs into prison facilities.

The total prison population was 35,600 (33,200 males), only 11,200 of whom had been sentenced. Detainees were held temporarily in pretrial detention centers located at police stations, judiciary buildings, and the Ministry of Justice. In most cases, pretrial detainees were held with convicted prisoners.

In June Jose Gamboa Mendoza, director of the Piedras Gordas penitentiary was caught on tape negotiating bribes. By year's end Gamboa is in prison awaiting trial

The government permitted prison visits by independent human rights observers, including the ICRC. The ICRC made 74 unannounced visits to inmates in 46 different prisons, detention centers, and juvenile detention facilities.

In July the Human Rights Ombudsman and the Institute of Legal Defense (IDL) released a report stating that 75 of 84 prisons were in poor condition and that 12 had reached a critical state of overcrowding, with populations 300 per cent larger than intended. The report called for improving prison infrastructure by building two more prisons, increasing the budget for existing prisons, eliminating corruption, and reducing sentences for thousands of detainees held for petty crimes.

#### d. Arbitrary Arrest or Detention

The constitution, criminal code, and antiterrorist statutes prohibit arbitrary arrest and detention, although the law permits police to detain persons for investigative purposes. The law requires a written judicial warrant for an arrest unless the perpetrator of a crime is caught in the act. Only judges may authorize detentions, including in corruption cases. Authorities are required to arraign arrested persons within 24 hours. In cases of terrorism, drug trafficking, or espionage, arraignment must take place within 30 days. Military authorities must turn over persons they detain to the police within 24 hours; in remote areas, arraignment must take place as soon as practicable.

#### Role of the Police and Security Apparatus

The PNP, with a force of 90,385, is responsible for all areas of law enforcement and functions under the authority of the Ministry of the Interior. The PNP's personnel structure follows that of the military, with an officer corps and enlisted personnel. The organizational structure is a mixture of directorates that specialize in specific areas (such as kidnapping, counternarcotics, and terrorism) and local police units. Each department, province, city, and town has a PNP presence.

Observers noted that the PNP was undermanned and suffered from a lack of training, professionalism, and an inability to counter criminal activity or fulfill its responsibilities, such as witness protection. Corruption and impunity remained problems. On December 4, minister of interior Pilar Mazzetti estimated that 20 percent of PNP officers were corrupt.

On July 13, the PNP and Interior Ministry completed work on a human rights training manual, which was distributed to all police academies and stations in the country. The manual teaches the latest techniques for conducting arrests, disbursing crowds, and controlling riots while emphasizing the importance of respecting human rights.

The PNP is charged with witness protection for the entire country. The witness protection law is thorough and well written, but the PNP lacked resources to provide training for officers, conceal identities, and offer logistical support to witnesses. Officers assigned to witness protection cases often brought witnesses into their homes to live. COMISDH was processing 106 cases of serious threats against witnesses, lawyers, and human rights activists.

#### Arrest and Detention

The law requires police to file a report with the Public Ministry within 24 hours after an arrest. The Public Ministry, in turn, must issue its own assessment of the legality of the police action in the arrest. The law also provides for the right to prompt judicial action. The time between an arrest and an appearance before a judge averages 20 hours. Judges then have two hours to decide whether to release a suspect or continue detention. A functioning bail system exists, but many poor defendants lacked the means to post bail. By law, detainees are allowed access to a lawyer and to family members. The Justice Ministry provided indigent persons with access to an attorney at no cost. Persons detained for espionage, drug trafficking, corruption, and terrorism may be held for up to 15 days. Police may detain suspected terrorists incommunicado for 10 days. The Public Ministry oversees the detention centers, which are also monitored by the Ombudsman's Office.

In practice, lengthy pretrial detention was a problem. According to a study prepared by the Technical Secretary of the Special Commission for Integral Reform of the Justice System, only 31 percent of the persons in prison had been sentenced, with 69 percent awaiting trial. If prisoners are held more than 18 months without being sentenced--36 months in complex cases--under the law they must be released.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice.

The three-tier court structure consists of lower courts, superior courts, and a Supreme Court of Justice of 30 judges. A seven-person Constitutional Tribunal operates independently of the judicial branch. The independent and autonomous National Judicial Council (CNM) appoints, disciplines, and evaluates all judges and prosecutors who have served in their position for at least seven years (excluding those chosen by popular election). Lack of certification from the CNM permanently disqualifies a judge or prosecutor.

#### Trial Procedures

The justice system is based on the Napoleonic Code. The prosecutor investigates cases and submits an opinion to a first instance judge, who determines if sufficient evidence exists to open legal proceedings. The judge conducts an investigation, evaluates facts, determines guilt or innocence, and issues a sentence. All defendants are presumed innocent; they have the right to be present at trial, call witnesses, and be represented by counsel, although in practice the public defender system often failed to provide indigent defendants with qualified attorneys. Defendants may appeal verdicts to the superior court and then to the Supreme Court of Justice.

Under the military justice system, judges in the lower courts must sentence and pass judgment within 10 days of the opening of trial. Defendants can appeal convictions to the Superior Military

Council, which has 10 days to issue a decision. A final appeal may be made to the Supreme Council of Military Justice, which must issue a ruling within five days. At the Superior Military Council and Supreme Council levels, a significant number of judges are active-duty officers with little or no professional legal training.

In 2004 the Constitutional Tribunal ruled that the military-political commands created to maintain order during states of national emergency were unconstitutional. A commission created by the executive branch continued to make the revisions necessary to bring the Code of Military Justice in line with this decision.

The Special Terrorism Court, in accordance with decisions of both the Inter-American Commission on Human Rights and the Constitutional Tribunal, continued to retry defendants previously convicted by military tribunals. The National Penal Court found 768 persons guilty and absolved 236 persons. At year's end between 20 to 25 cases were still pending. Approximately 77 percent of individuals tried were found guilty; 23 percent were absolved. Approximately 1,400 persons remained in prison for acts of terrorism.

The National Penal Court continued investigations into cases involving allegations of human rights abuses by security forces during the war against the Shining Path in the 1980s and 1990s. The court had a total of 47 cases; 26 involved active investigations.

The NGO, IDL continued its efforts to reduce the large case backlog involving those officially sought for acts of terrorism. In November the IDL complained about the slow pace of judicial investigations, noting that 389 judicial investigations, most dating from before 2002, were ongoing and that no member of the military had been convicted of human rights violations, suggesting members of the armed forces may not be punished for human rights violations.

More than 9,000 invalid arrest warrants for terrorism, involving more than 1,500 persons, were eliminated as a result of IDL's efforts.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees

#### Civil Judicial Procedures and Remedies

The country has an independent judiciary that enables citizens to bring lawsuits for violations of their rights. Nonetheless, significant problems affected this branch, which has been a frequent target of reform efforts. Court cases often dragged on for years, making it difficult for some plaintiffs, particularly those of limited economic means, to pursue legal redress. In addition, press reports, NGO sources and others alleged that judges were frequently subject to corruption and/or influence by powerful outside actors.

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

The law prohibits such actions, and the government generally respected these prohibitions, although reports surfaced that authorities did not always obtain warrants before entering private dwellings.

COMISEDH received no reports of forced military recruitment.

The Shining Path continued to coerce indigenous persons to join its ranks (see section 5).

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. There were, however, reports of press harassment by

provincial authorities and by private groups such as coca growers (cocaleros). Harassment took the form of attacks on journalists, illegal arrests, and threats of judicial action.

The independent media were active and expressed a variety of views. All media outlets were privately owned except for one government-owned daily newspaper, two television networks, and one radio station.

Journalists and media outlets reportedly suffered intimidation. The National Journalists Association reported 133 cases of harassment (mainly in the provinces). The Press and Society Institute issued 298 alerts. Both statistics were higher than the figures for 2005. The majority of incidents took the form of violent attacks, threats, judicial pressure, illegal arrests, and theft of broadcasting equipment and of journalists' files. Many cases occurred for lack of an effective government presence in parts of the country, a factor that rendered journalists vulnerable to attacks.

There were approximately 70 incidents in which government authorities were reported to have harassed reporters.

On January 6, police officer Javier Matta allegedly beat Jorge Catanded, a reporter with Lima's Channel 5 television news program 24 Horas, as he was filming a prison riot at Miguel Castro prison.

On January 9, the mayor of Nuevo Chimbote, Valentin Fernandez, sued Alfonso Ego, the editor of Channel 4's Sunday program Cuarto Poder, and reporters Raul Tola and Carola Miranda for defamation, for broadcasting a report accusing the mayor of using public funds to help finance President Garcia's 2006 presidential campaign.

On February 28, Carlo Magna Pasqual, the manager of the San Martin Provincial Municipality, tried to hit two reporters filming a protest in Tarapoto with a motorcycle.

On March 8, Justion Montes, the mayor of the Chavin de Huantara District in Huari, Ancash, attacked three reporters who had tried to interview him about a missing electrical generator.

On March 9, police captain Bernardo Andrade attacked Walter Acuna, a radio journalist. Acuna was reporting from the scene of a violent confrontation between police and protestors near the Tumbes River.

On March 18, journalists Rory Huaney and Carlos Miranda of Huaraz said that Jean Carlos Leon, the son of Yungay Mayor Amaro Leon, had made death threats against them for their reporting on the legal case against their father. In 2004 the mayor had allegedly asked David Moises Julca to kill journalist Antonio de la Torre. Moises was acquitted of the charges, but Leon received a 17-year prison sentence in December 2005. On July 12, Leon was released from prison and acquitted of the charges. De la Torre's widow then brought charges against the government to the Inter-American Commission on Human Rights for the release and acquittal of Leon. Leon failed to win re-election in November.

Congressman Jorge Mufarech's 2004 lawsuit against Correo journalist Pedro Salinas for alleged defamation continued. In 2004 a court acquitted Salinas, but Mufarech appealed the decision.

The Pucallpa court continued its investigation into the 2004 killing of radio announcer Alberto Ramirez.

On July 25, Francisco Rodriguez, a radio journalist, was beaten by a worker of the municipality of Huaraz. Rodriguez was attacked while interviewing the mayor, Lombardo Motion.

On August 9, television reporter Ronald Marquez said he received death threats after reporting the illegal purchase of a motorcycle by police.

On August 23, two armed men entered the radio station Alegra in Huaraz and threatened Angel Duran, who had criticized Caesar Alvares, a candidate for regional president.

On August 24, Superior Prosecutor Pedro Angulo brought charges against journalist Humberto Ortiz for concealing a tape of an interview. Angulo subsequently sought and received political asylum in the United States.

On September 11, three journalists accused police captain Manuel Varela, of Huaranchal police headquarters, for seizing equipment and for preventing them from completing an interview at Cien mining company.

The defamation case against foreign reporters Jane Holligan and Sally Bowen, filed by alleged narco-trafficker Fernando Zevallos, continued at year's end.

On March 19, Adam Pollca, a friend of President Toledo, withdrew his 2001 defamation suit against journalist Alvaro Vargas Llosa.

On April 5, television reporter Marilu Gambini left the country after receiving death threats. Gambini had investigated businessmen involved in drug trafficking.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet

chatrooms. Individual and groups engaged in the free expression of views via the Internet, including the use of electronic mail. The chief impediment to Internet access was a lack of infrastructure.

The government led a campaign to promote e-commerce, focusing on educating the public on investing money over the Internet.

#### Academic Freedom and Cultural Events

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

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

#### Freedom of Assembly

The constitution provides for the right of freedom of assembly, and the government generally respected this right in practice. The law does not require a permit for public demonstrations, but organizers must inform the Interior Ministry's political authority (prefect) about the type of demonstration and its location. Demonstrations may be prohibited for reasons of public safety or health. The police used tear gas and occasional force to disperse protesters in various demonstrations. Although most demonstrations were peaceful, protests in some areas turned violent.

During the year the Human Rights Ombudsman reported 98 individual cases of social unrest in 2006; social unrest precipitating conflict was continuing in 12 of these cases at year's end.

On May 28, 250 PNP officers clashed with 3,500 cocaleros protesting coca eradication in the town of Puerto Pizana, San Martin. Nine farmers and nine policemen were injured. The Ombudsman's Office was continuing an investigation at year's end.

On August 2 in Cajamarca, demonstrators protesting the proposed expansion of the Yanacocha mine clashed with security guards; one protestor was killed, and mining operations were

suspended. The local government brokered an agreement between the mine and local communities that ended the protest on September 3.

On September 11, 37 persons (31 police and six civilians) were injured in Campanilla, San Martin, when cocaleros tried to stop eradication efforts. The police officers were injured by protestors throwing bricks. Police used rubber bullets and tear gas to disperse the protesters.

In October the government officially formalized the Multi-Sector Commission for the Prevention of Social Conflicts to anticipate, prevent, and contribute to the resolution of dangerous conflicts.

Demonstrations against outgoing Apurimac Regional President Rosa Suarez turned violent in December. One person was killed and the government declared a 30-day state of emergency on December 6. Opposition parties accused Suarez of illegally transferring money belonging to the city of Abancay.

The Ombudsman's Office continued to issue monthly reports noting the prevalence of rural unrest regarding a variety of issues, including mining operations, border disputes between communities, strikes, and road blockages.

#### Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

Laws favoring the Roman Catholic Church remained in force. The Catholic Church and clergy received extra benefits from the government in education, salary, and taxation of personal income and institutional property. By law, the military may hire only Catholic clergy as chaplains, and Catholicism is the only recognized religion for military personnel. The Education Ministry requires that Catholic religion courses be taught in all public and private primary schools. Parents may request an exemption by writing to the school principal.

Although Catholicism remains the official state religion, Protestantism has grown throughout the country, and approximately 15 percent of the population identified themselves as non-Catholic Christians. Protestants gained high-level leadership positions in society.

Churches may register voluntarily with the Office of Ecclesiastical Affairs in the Ministry of Justice to receive tax benefits and exemption from import duties on religious materials.

#### Societal Abuses and Discrimination

There were no reports of societal abuses, discrimination, or anti-Semitic acts. The 4,000-member Jewish community was integrated into the larger society.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the law provides for the right of free movement, authorities may restrict persons with pending criminal cases or civil charges from leaving the country. Police have the right to check documents at control points throughout the country.

The Shining Path at times interrupted the free movement of persons by establishing roadblocks in sections of the Upper Huallaga, Apurimac, and Ene River valleys. Farmers occasionally blocked roads in an attempt to pressure the government to purchase surplus crops.

The law prohibits forced internal and external exile, and the government did not engage in such activity.

Although the law prohibits the revocation of citizenship, naturalized citizens may lose their citizenship for committing crimes against the state or for jeopardizing national defense or public security, as well as for reasons that "affect the public interest and the national interest."

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government also provided protection against refoulement, the return of persons to a country where they feared prosecution, and laws exist allowing individuals to apply for refugee status or asylum.

The government cooperated with the UN High Commissioner for Refugees and recognized the Catholic Migration Commission (CMC) as the official provider of technical assistance to refugees. The CMC also advised citizens who feared persecution and sought asylum abroad. The government provided protection to political refugees on a renewable, year-to-year basis, in accordance with CMC recommendations. The CMC granted refugee status to 47 persons.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides for the right of citizens to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of mandatory voting and universal suffrage.

#### Elections and Political Participation

On July 28, Alan Garcia Perez assumed the presidency after two rounds of presidential elections that were free and fair. The two principal parties represented in the 120-member congress were the Union for Peru and Nationalist Party of Peru coalition with 42 seats and the president's party, APRA, with 36 seats.

Nationwide municipal elections were held November 19. Independent candidates captured 21 of 25 regional governments and the majority of provincial capitals. Only 26 out of 194 incumbent mayors were re-elected. APRA won only two of the 25 regional governments (down from 12) and only one provincial capital. The party of presidential runner-up Ollanta Humala of the Nationalist Party of Peru won no regions and only one provincial capital. The new regional leaders came to power with limited support and highly divided councils, complicating an already fragmented political system. Domestic and international observer delegations declared the elections to be fair and transparent, despite a few localized incidents of violence.

Registration of a new political party requires the signature of one per cent of the voters who participated in the past election. Presidential and congressional terms are five years, and the law prohibits the immediate reelection of a president. Groups that advocate the violent overthrow of government are barred from participating in the political process.

There were 35 women in the congress, including the president and two vice-presidents. No female regional presidents were elected in 2006, compared to three in 2002. Five out of a total of 194 mayors were women. There were six women in the cabinet, and there was one woman on the Supreme Court of Justice. The Law on Political Parties mandates that at least 30 percent of candidates on the party lists be women. While parties abided by the legislation, many women candidates were included at the bottom of the party lists, reducing their likelihood of winning seats on regional and municipal councils.

Indigenous persons comprise approximately 33 percent of the population. Twenty-three Quechua speakers and one Aymara speaker were elected to the national congress. One congressman was a native speaker of the indigenous Chipiyo language.

One congressperson represented the Afro-Peruvian minority, estimated at 3 to 5 percent of the population, but no Afro-Peruvians were in the cabinet.

#### Government Corruption and Transparency

Corruption remained a serious problem, and widespread public perception existed that corruption was pervasive in all branches of government.

From 1991 to 2000, authorities accused 1,742 persons of corruption and released 1,541. Approximately 43 percent of the remaining cases were in the instruction or investigation stage as of October. Since 2001, 8,598 total cases of corruption have been processed at the state level. Human rights activists and civil society actors noted that the law permits 36 months of detention without sentencing, opening the possibility that some of those accused could be freed unless their cases were handled promptly. During the year, authorities detained 43 persons and placed another 37 under house arrest.

The law provides for public access to government information, and most ministries and central offices provided key information on Websites. Implementation of the law was incomplete, particularly in rural areas, where few citizens exercised or understood their right to information. The Ombudsman's Office encouraged regional governments to adopt more transparent practices for releasing information and monitored the compliance of regional governments with a law that requires public hearings at least twice a year.

The government did not act on a request by the Peruvian Press Council (CPP) to modify the Law of the National Intelligence System, enacted in 2005. The CPP said the law defined national security in ambiguous terms and mandated excessive prison terms for the publication of confidential government information.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. There was considerable controversy surrounding a law, signed by President Garcia on December 8, which required all NGOs to register with the government and to provide an annual financial statement listing sources of income and how funds were spent. The law also contains loosely worded provisions that could require NGOs to align their development programs with those of the government and gives the government wide discretion to impose sanctions. NGOs planned to appeal the law to the Constitutional Tribunal.

According to COMISEDH, military commanders continued to deny access to military facilities to human rights observers. To obtain information about activities in those areas, NGOs had to work through the Ombudsman's Office.

The government continued to implement recommendations in the 2003 Peruvian Truth and Reconciliation report and established a commission of reparations to identify those persons who had suffered during the conflict with the Shining Path between 1980 and 2000 and were eligible for reparation. The government also identified 562 communities that have suffered from the violence and required some type of compensation. On October 24, the government created the National Council for Reparations to aid the victims of the violence from 1980 through 2000. The law provides for a percentage of taxes from mining companies to help fund the reparations.

A human rights Ombudsman's Office exists and operated without government or party interference.

The government continued to seek extradition of former president Fujimori from Chile to face charges of human rights abuses and corruption.

In October Prime Minister Jorge del Castillo requested that the Office of the National Electoral Process investigate the charge that Ollanta Humala received four million dollars (12.7 million soles) from the Venezuelan government for his campaign. There was no movement on an investigation by year's end.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged, and discrimination against women, persons with disabilities, indigenous people, and racial and ethnic minorities persisted.

### Women

Violence against women and girls, including rape, spousal abuse, and sexual, physical, and mental abuse was a problem. Abuses were aggravated by insensitivity on the part of law enforcement and judicial authorities toward female victims.

The law prohibits domestic violence, and penalties range from one month to six years in prison. The law gives judges and prosecutors the authority to prevent the convicted spouse or parent from returning to the family's home and authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. It also allows health professionals to document injuries. The law requires police investigation of domestic violence to take place within five days and obliges authorities to extend protection to women and children who are victims of domestic violence.

Ministry of Women and Social Development (MIMDES) centers reported 25,036 cases of domestic violence. The centers helped an average of 2,067 men and women per month. MIMDES also operated a toll-free hot line, which handled 7785 requests for assistance regarding family disturbances during the year.

Women's organizations noted that alcohol abuse and traditional attitudes toward women aggravated the problems of rape and sexual abuse, particularly in rural areas. On November 30, the World Health Organization reported that 69 percent of women said they had suffered from some form of physical violence in their lives.

MIMDES and NGOs stated that many domestic abuse cases went unreported. NGO sources stated that the majority of reported cases did not result in formal charges because of fear of retaliation or because of the expense of filing a complaint. The legal and physical protections offered were limited because of legal delays, ambiguities in the law, and the lack of shelters for victims. MIMDES ran the Women's Emergency Program, which sought to address the legal, psychological, and medical problems facing victims of domestic violence. MIMDES operated 39 centers, bringing together police, prosecutors, counselors, and public welfare agents together to help victims of domestic abuse.

MIMDES continued efforts to sensitize government employees and the citizenry to domestic violence, but the Ombudsman's Office continued to complain that police officers reacted indifferently to charges of domestic violence, despite legal requirements to investigate the complaints. However, female community leaders, former members of congress, and local media outlets launched awareness campaigns to provide citizens with more information about domestic violence.

The law criminalizes rape, including spousal rape, and the government enforced the law effectively. The law provides penalties for those who derive financial benefits from trafficking in persons, Internet child pornography, and sexual tourism involving children. Penalties for procurers and clients of underage prostitutes range from four to eight years in prison.

Prostitution is legal for women over 18 years of age if they register with municipal authorities and carry a health certificate. In practice the vast majority of prostitutes worked in the informal sector where they lacked health protection. NGOs reported that traffickers lured increasing numbers of underage women into prostitution (see section 5, Trafficking).

Sexual harassment was a problem. The law defines sexual harassment as a labor rights violation subject to administrative punishment. Punishments differ depending on the professional situation where the violation took place.

The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, and property rights. Racial and sexual discrimination in employment or educational advertisements is prohibited, although in practice discrimination continued. The law prohibits the arbitrary dismissal of pregnant women.

Traditional assumptions often impeded access to leadership roles for women in both the public and private sectors. Women from the upper and upper-middle classes have assumed leadership roles in companies and government agencies; by law they receive equal pay for equal work, but because of societal prejudice and discrimination, women historically suffered disproportionately from poverty and unemployment.

## Children

The government was committed to the welfare and rights of children.

Education was free and compulsory through secondary school and generally was available throughout the country, although a shortage existed of qualified teachers, primarily in jungle regions. The Ministry of Education provided books to all public schools. An estimated 12 percent of children did not attend schools, for a variety of reasons; the most common was a desire work to help the family economically. Children living in poverty averaged 7.8 years of education, compared with 9.4 years for children living above the poverty line. The 2004 National Institute of Statistics and Information report, for 2004, indicated a decline in the rate of extreme poverty, from 33 percent in 2002 to 26 percent in 2004. Based on 2005 population data from the National Institute for Statistical Information (INEI), 55 percent of children from three to five years old attended school, 92 percent of children ages six to 11 and 69 percent of adolescents between 12 and 16. Absenteeism was highest in rural and jungle areas.

The Education Ministry operated night schools for working adolescents and offered a tutorial program where teachers provided extra help to working students. The ministry also began a program to teach children their rights, in order to lessen the incidence of exploitation.

The government's health security program continued to offer poor mothers and infants, as well as school-age children, access to basic health care. The program included children not attending school. Boys and girls had equal access to health services under this system.

The Ministry of Health led a vaccination campaign against rubella and estimated that 90 percent of citizens were vaccinated.

Violence against children and the sexual abuse of children were serious problems. MIMDES reported that there were 544 cases of violence or sexual abuse of children five years of age and under and 1,067 cases of children ages six to 11.

NGOs noted that many abuse cases went unreported because societal norms viewed such abuse as a family problem that should be resolved privately. The Women's Emergency Program worked to help children who were victims of violence.

The Children's Bureau of MIMDES coordinated government policies and programs for children and adolescents. At the grassroots, 1,312 Children's Rights and Welfare Protection Office resolved complaints ranging from physical and sexual abuse of children to abandonment and failure to pay child support. Provincial or district governments operated approximately 46 percent of these offices, while schools, churches, and NGOs ran the remaining 54 percent. Law students staffed most of the units; only the offices in the wealthiest districts of the country had professionally trained lawyers, psychologists, and social workers. When these offices could not resolve disputes, officials usually referred cases to the local prosecutors' offices of the Public

Ministry. Settlements adjudicated by these offices were legally binding and had the same force as judgments entered by a court of law.

Trafficking of children was a problem (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked from and primarily within the country.

No authoritative estimates existed on the extent of trafficking, but NGOs and international organizations reported that significant domestic trafficking occurred, notably in districts located in the highlands or in the Amazon jungle. These activities brought underage women into cities to work as prostitutes or domestics.

The trafficking took place through informal networks, including family friends, boyfriends, and even the families of the victims. Trafficking to Spain, and particularly to Japan, operated through organized criminal networks.

Trafficking laws provide penalties from five to 12 years' imprisonment for those who move a person, either within the country or to an area outside the country, for the purposes of sexual exploitation (including prostitution, sexual slavery, or pornography). If the victim is less than eight years old, the punishment is 10 to 15 years' imprisonment. Laws prohibiting kidnapping, sexual abuse, and illegal employment of minors were also enforced and used to punish those who trafficked persons. Press reports estimated there were 700 underage prostitutes working in Lima.

The PNP repeatedly raided clandestine brothels, resulting in the rescue of a number of young women, who were returned to their families. However, the raids resulted in few arrests for trafficking crimes. Most persons were charged for sexual exploitation and related crimes. The PNP unit that investigates trafficking crimes reported four cases through July that were passed to prosecutors for further investigation and trial.

In February Arndt Huber Kupper, a German citizen, and his wife Eva La Torre Alonso de Kupper, a Peruvian, were arrested for trafficking children to Europe.

In July the PNP arrested Carlos Arturo and 20 others for trafficking infants to France. In July charges were brought against seven of the accused; the other cases remained under investigation at year's end.

Prosecutors were processing six cases from 2005. On December 27, Edwin Sanchez Aguilar was convicted of trafficking in persons for the purpose of sexual exploitation. He received a 10-year jail sentence and must pay \$1,550 (5,000 soles) to each of his three victims. The PNP arrested Sanchez in March for domestic and international trafficking of women from the northern highlands. This case was the only trafficking trial or conviction reported during the year.

The government coordinated its antitrafficking activities with NGOs. A Catholic order of nuns, the Sisters of Adoration, operated three programs for underage female prostitutes: a live-in center for approximately 75 girls (and 20 children of the victims) in Callao and two drop-in centers--one each in Lima and Chiclayo. All facilities offered medical attention, job training, and self-esteem workshops designed to keep underage girls from the streets. The government's Institute for Adolescents and Children provided the building in Callao and paid for upkeep, utilities, and food.

On March 13, the Ministry of Interior established a nationwide, toll-free trafficking crimes hot line within its Office of Human Rights, which received an average of 1,000 calls per month. Approximately 15 percent of the calls could be considered trafficking related. The hot line staff

also received support from the International Organization for Migration (IOM). The IOM provided assistance for informational campaigns and training of government officials in trafficking issues.

The NGO Capital Humano y Social designed and installed, in eight police districts, a computerized tracking system for trafficking cases. PNP officers were trained to operate the system and instructed on the law enforcement aspects related to trafficking crimes.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities and provides for "protection, care, rehabilitation, and security." The law also mandates that public spaces be free of barriers and accessible to the disabled. The law provides for the appointment of a disability rights specialist in the Ombudsman's Office; however, the government devoted limited resources to enforcement, and many persons with disabilities remained economically and socially marginalized.

The law prohibits discrimination in the workplace, but the government did not fund programs to train workers with disabilities. As a result, persons with disabilities and the private agencies serving them generally relied on public charity and on funding from international organizations to maintain programs.

The government made little effort to ensure access to public buildings. There were no interpreters for the deaf in government offices and no access to recordings or to Braille for the blind. On May 25, the government published a law requiring public organizations and universities to make Web pages available to the blind by employing software that would read pages aloud. The law gave institutions 120 days to implement changes or face a \$2,000 fine (6,500 soles). Observers worried that the law, while well-intentioned, might not be enforced.

Two persons with disabilities served in Congress.

According to officials of the Institute for Social Security, less than 1 percent of persons with severe disabilities actually work. Some private companies operated programs to hire and train persons with disabilities, and a private foundation provided small loans to persons with disabilities to start businesses. Nevertheless, discrimination remained a problem.

#### National/Racial/Ethnic Minorities

The law provides all citizens equality before the law and forbids discrimination on the basis of race, national origin, or language.

The population includes large minorities of persons of Asian and African descent. Afro-Peruvians faced discrimination and social prejudice and were among the poorest groups in the country. Afro-Peruvian civil rights groups contended that official surveys did not accurately reflect their numbers. Afro-Peruvians generally did not hold leadership positions in government, business, or the military, although one Afro-Peruvian woman was elected to congress. Few Afro-Peruvians served as officers in either the navy or the air force. Although the law prohibits mentioning race in job advertisements, NGOs alleged that employers often found ways to refuse Afro-Peruvians jobs or relegate them to low-paying service positions. Employers, for example, often required applicants to submit photos. Although the law prohibits discrimination against customers in stores, discriminatory practices against Afro-Peruvians continued. Afro-Peruvians often were portrayed in the media as stereotypes.

#### Indigenous People

The law prohibits discrimination based on race and provides for the right of all citizens to speak their native language. Spanish and Quechua are the official languages; the government also recognizes 49 other indigenous languages.

Most indigenous persons and those with indigenous features faced pervasive societal discrimination and prejudice. Several factors impeded their ability to participate fully in the

political process, including language barriers and inadequate infrastructure in indigenous communities. Many indigenous persons lacked identity documents and could not exercise basic rights.

The geographic isolation of highland and Amazon jungle communities also disadvantaged indigenous persons. The UN Children's Fund reported that indigenous persons in rural areas often did not have access to public services, particularly health care and education. Ninety percent lived in poverty, and only 39 percent had completed primary school. Child mortality rates were higher in indigenous areas, and only 20 percent of births took place in public health centers.

The indigenous population of the Amazon region, estimated at 200,000 to 300,000 persons, faced discrimination. Local culture and tradition rejected the idea of land as a marketable commodity. Although local communities retain the legal right of "unassignability," which prevents the title of indigenous lands from being reassigned to non-indigenous tenants, in practice the marketing and sale of the lands took place. Indigenous groups continued to resist encroachment on their native lands but often lacked legal title to the land. Mineral or other subsoil rights belong to the state, a situation that often causes conflict between mining interests and indigenous communities.

On October 23, the government and the Argentine-run oil company, Pluspetrol signed an agreement with the Native Federation of the Corriente River to end the dumping of contaminated oil waste into the rain forest by July 2008. The regional government of Loreto would contribute \$11 million (35 million soles) and Pluspetrol \$40 million (127 million soles) to finance the basic needs of the population in the area.

In the congress, native speakers of Quechua conducted some debate in Quechua (translators were available for non-Quechua speakers).

The Shining Path continued to violate the rights of indigenous persons by coercing individuals into its ranks as military conscripts and by demanding war taxes.

#### Other Societal Abuses and Discrimination

The law provides all citizens with the right to a name, nationality, and legal recognition and guarantees other civil, political, economic, and social rights. However, more than one million citizens, including at least 312,000 women, however, lacked identity documents and could not fully exercise these rights. An estimated 15 percent of births were unregistered, and 95,000 persons each year are born without a birth certificate. Poor indigenous women and children in rural areas were disproportionately represented among those lacking identity documents. Undocumented citizens were marginalized socially and politically and faced barriers in accessing government services, including running for public office or holding title to land.

Obtaining a National Identity Document requires a birth certificate, but many births in rural areas take place at home. In an effort to lower infant mortality rates, the Health Ministry fines women who do not give birth in clinics or hospitals, but poor women often cannot pay the fines and cannot register their children retroactively.

The NGO CARE continued working with local authorities in the department of Huancavelica in a project designed to help the rural population obtain identity documents and to increase local participation in the political process. More than 1,500 persons have received identity documents as a result of the program.

The Ombudsman's Office investigated complaints about the unlawful practice of charging fees to issue identity documents and facilitated refunds when such fees had been paid. The Ombudsman's Office also helped citizens obtain documents quickly.

Homosexuals faced extensive discrimination, although homosexual rights gained a higher profile. On July 16, for the fifth year, hundreds of persons, including public officials, union leaders, lesbians, homosexuals, and bisexuals marched in downtown Lima.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right of association. Regulations allow workers to form unions on the basis of their occupation, employer affiliation, or geographic territory. Workers are not required to seek authorization prior to forming a trade union, and employers cannot prevent employment because of union membership. Judges, prosecutors, and members of the police and military are not permitted to form or join unions.

Many businesses, contracted workers who are legally not permitted to participate in the same unions as full-time employees. Although the law forbids businesses from hiring more than 20 percent of the workforce as temporary workers, some unions reported that some employers hire excess temporary workers.

While the law establishes fundamental rights for domestic workers, the Ministry of Labor possessed limited ability to enforce these provisions.

The local office of the AFL-CIO reported that during the year union membership grew by approximately 0.5 percent of the labor force.

### b. The Right to Organize and Bargain Collectively

The law recognizes the right of public and private sector workers to organize and bargain collectively but specifies that this right must be exercised in harmony with broader social objectives. A union must represent at least 20 workers to become an official collective bargaining agent. Union representatives have the right to participate in collective bargaining negotiations and establish negotiating timetables.

Although a conciliation and arbitration system exists, union officials complained that the high cost of arbitration made it difficult to use. In an effort to address this complaint, on July 4 then president Toledo signed a supreme decree designed to cap arbitrators' fees to prevent employers from unilaterally changing previous collective bargaining agreements. The decree also establishes a system for defining arbitrator compensation. The Ministry of Labor estimated that the new system would reduce arbitration costs by 50 percent, but unions feared that the reduction may not be enough to speed arbitration. In the past, arbitrations often lasted two years or longer.

The constitution provides the right to strike but aims to balance this right with broader economic objectives. Unions in essential public services, as determined by the government, must provide a sufficient number of workers during a strike to maintain operations. The law bans government unions, in essential public services, from striking. It also requires strikers to notify the Labor Ministry in advance before carrying out a job action. According to the Labor Ministry, four legal strikes and 49 illegal strikes took place during the year. According to labor leaders, permission to strike was difficult to obtain, in part because the Labor Ministry feared harming the economy.

There are four EPZs and no recognized unions in the EPZs. All labor in the EPZs was sub-contracted and no utilities (profit-sharing mechanisms) existed.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including labor by children; although there were reports of such practices (see section 5).

On May 12, the International Labor Organization (ILO) stated that nearly 30,000 persons are involved in forced labor in Peru, particularly in the logging industry located in the Amazonia provinces.

### d. Prohibition of Child Labor and Minimum Age for Employment

Laws exist to protect children from exploitation in the workplace and prohibit forced or compulsory labor. The legal minimum age for employment is 14. However, if they obtain special permission from the Labor Ministry and certify that they are attending school, children between 12 and 14, however, may work in certain jobs for up to four hours per day. In practice, child labor remained a serious problem, and the laws were violated routinely in the informal sector.

Narcotics traffickers and Shining Path terrorists continued to hold indigenous families captive in remote areas, using their labor--including child labor--to grow food crops and coca (see section 5). Credible press reports surfaced that illegal loggers employed forced labor in the Amazon region.

In certain sectors of the economy, higher minimum ages were in force: age 15 in industrial, commercial, or mining and age 16 in fishing. The law prohibits children from engaging in certain types of employment, such as working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, or working at night. 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.

In January the Ministry of Labor created a special Office of Labor Protection for Minors (PMT). The PMT issued permits authorizing persons under age 18 to work legally. The PMT granted 1,326 permits for jobs in the formal sector to children between 12 and 17. The majority of permits, 1,086, went to children between 16 and 17. Parents must apply for the permits, and employers must have a permit on file to hire a child. The PMT conducts on-site inspections to ensure compliance with the legal codes.

INEI estimated that 2.3 million children between 6 and 17 years of age were engaged in work; 1.9 million worked in the informal sector.

The Santa Filomena mine in Ayacucho eliminated child labor during the year.

Forms of child labor varied. In rural areas, many children worked on small farms with their parents, in the mining sector, or as domestics. In urban areas, children often worked on the streets providing entertainment, selling candy, begging, shining shoes, or scavenging in municipal dumps. Children on the outskirts of Lima also worked in brick-making, which the government labeled one of the worst forms of child labor. The government worked with the private sector to return hundreds of children working in brick-making to schools in metropolitan Lima.

Employers frequently required long hours from domestics and paid wages as low as \$20 to \$30 (75 to 105 soles) per month.

NGOs and other observers maintained that the country suffered a serious problem with adolescent prostitution, although no reliable statistics existed. To combat child prostitution in Iquitos, a popular tourist destination, the government created a video warning of the legal sanctions against child prostitution (see section 5).

The Ministry of Labor is responsible for enforcing child labor laws, and its inspectors have the legal authority to investigate reports of illegal child labor. Inspectors conducted routine visits without notice to areas where child labor problems were reported. Firms found guilty of violating labor laws were fined and had operations suspended.

Inspectors maintained contact with a wide variety of local NGOs, church officials, law enforcement officials, and school officials. There were 236 labor inspectors, with 150 working in Lima. Inspectors focused on the formal sector.

The Office of the Ombudsman for Children and Adolescents (DEMUNA) works with the Ministry of Labor to document complaints regarding violations of child labor laws. More than 1,000 thousand DEMUNA offices were located in communities throughout the country. DEMUNA also operated a decentralized child labor reporting and tracking system to insure compliance with the

Palermo Protocol. MIMDES administered a "street educator" program, which sent specialized teachers to the streets to provide education and support to minors involved in begging or work as shoe-shiners.

In 2004, Peru's Labor Ministry inaugurated a pilot program in Lima to provide legal assistance to domestics regarding labor rights. In 2006, the Labor Ministry signed a contract with the Center of Social Studies and Publications to expand the project beyond Lima over the next five years. At year's end 23 practitioners had been trained to register and train domestic laborers under this program.

Narcotics traffickers routinely violated the rights of children by using them to produce illegal drugs. In 2004 the National Commission for Development and Life Without Drugs estimated that 5,000 children were employed in the illegal narcotics industry, work that exposed them to a variety of toxic chemicals, with effects ranging from blisters and burns to permanent damage to the nervous system and even death.

#### e. Acceptable Conditions of Work

The law states that workers should receive a just and sufficient wage determined by the government in consultation with labor and business representatives, as well as adequate protection against arbitrary dismissal. On January 1 the minimum wage was increased on January 1 from \$134 (426 soles) to \$153 (486 soles) per month. Many workers in the formal sector received the minimum wage, which was based on a 48-hour week. The wage did not provide a decent standard of living for many families. The government estimated the poverty line to be approximately \$65 (207 soles) a month per person, a figure that varied by region. INEI's 2004 survey showed the poverty line at \$80 (254 soles) a month per person in Lima, compared with \$57 (181 soles) for the rural regions in the Amazon jungle. The Ministry of Labor enforced the minimum wage only in the formal sector, less than 25 percent of the labor force, and many workers in the unregulated informal sector received less.

Inspectors made 33,874 visits to work sites and levied 4,500 fines for violations of labor laws, including child labor laws. With regard to health and safety violations, inspectors made approximately 4,800 visits and levied fines against 182 firms.

The law provides for a 48-hour workweek and one day of rest and requires companies to pay overtime for more than eight hours of work per day and for additional compensation for work at night. Labor, business, and the government reported that the majority of companies in the formal sector complied with the law.

In May the Labor Ministry issued a decree compelling businesses to maintain a registry of employee hours to ensure workers received overtime. The law also requires employers to document a 45-minute lunch break and to make these records available to workers and union representatives.

Occupational health and safety standards exist, and the government attempted to enforce them. Nevertheless, the government often lacked the resources, ability, or authority to enforce compliance with labor laws. The Labor Ministry's budget for fiscal year was reduced by \$5.1 million (16 million soles). Local AFL-CIO officials claimed that many inspectors were forced to pay for transportation to sites and were often harassed or refused entry by businesses. Many fines went uncollected, in part because the Labor Ministry lacked an efficient tracking system.

To address these concerns, the government issued a supreme decree in July designed to strengthen and professionalize labor inspections by establishing standards and a national office to oversee the inspection process. The laws also created a separate office to collect funds.

In cases of industrial accidents, compensation was usually determined by an agreement between the employer and worker. The worker did not need to prove an employer's culpability in order to obtain compensation for work-related injuries.

