

# Peru

Head of state and government **Alan García Pérez**

Death penalty **abolitionist for ordinary crimes**

Population **29.5 million**

Life expectancy **73.7 years**

Under-5 mortality (m/f) **38/27 per 1,000**

Adult literacy **89.6 per cent**

## Background

[Indigenous Peoples' rights](#)

[Workers' rights](#)

[Excessive use of force](#)

[Sexual and reproductive rights](#)

[Maternal mortality](#)

[Impunity – past human rights violations](#)

[Prison conditions](#)

[Amnesty International Reports](#)

[Amnesty International Visits](#)

**Indigenous Peoples continued to be denied their right to free, prior and informed consent to development projects affecting them. The authorities failed to ensure justice for the victims of Bagua in 2009. Impunity for past human rights violations persisted, despite some progress. Women, especially Indigenous women and those on low incomes, continued to be denied their sexual and reproductive rights.**

## Background

There were widespread protests against the social and environmental impacts of large-scale development projects. These included protests in June at an oil spill into the Marañón River in the Peruvian Amazon and of toxic waste into the Escalera River in Huancavelica province, as well as demonstrations in September over concerns that the building of a dam would affect the right to water of the population of Espinar district in Cusco. In response, President Alan García passed a decree law in September allowing the military to be deployed to deal with civil protests, raising concerns of increasing incidents of excessive use of force by the security forces. There were reports of armed confrontations in the Andean region between members of the armed opposition group Shining Path (Sendero Luminoso), and the military and police.

[Top of page](#)

## Indigenous Peoples' rights

In June, President García refused to promulgate the Law on the Right of Indigenous People to Prior Consultation. This landmark law was drawn up with the participation of Indigenous communities and passed by Congress in May. The authorities also failed to comply with a Constitutional Court ruling issued in June calling for the establishment of a framework to ensure the consultation of Indigenous Peoples affected by development projects, in accordance with ILO Convention No. 169. Scores of new concessions were granted to companies for oil exploration without the free, prior and informed consent of affected communities.

### Impunity

Hundreds of people injured and the families of the 33 people killed, including 23 police officers, in confrontations at the road blockade in Bagua in the Amazon region in 2009 were still awaiting justice. Charges were brought against 109 civilians, mainly Indigenous people, and at least 18 police officers. By the end of the year, judges had yet to rule on whether there was sufficient evidence to initiate proceedings against the officers.

- Indigenous leader Segundo Alberto Pizango Chota, who faced charges related to the Bagua protest, was detained for a day on his return from exile in May and then released on bail. At the end of the year criminal charges against him and four other Indigenous leaders remained pending.

- Two foreign priests faced expulsion because of their work defending the rights of local communities in the face of large-scale economic projects. One of the priests, Father Bartolini, who was accused of public security offences, was acquitted in December. In the same trial, five Indigenous and community leaders were convicted and given suspended sentences of four years' imprisonment. All the charges appeared to have been brought in order to hinder the human rights work of the accused. Appeals against the convictions were pending at the end of the year.

---

[Top of page](#)

## Workers' rights

Trade unionists Pedro Condori Laurente and Claudio Boza Huanhaya were conditionally released in July after being held in prison for seven months awaiting trial on apparently unsubstantiated charges of killing a police officer during a miners' strike in 2008 in Huarochiri province. An appeal against the decision to release them was pending at the end of the year.

---

[Top of page](#)

## Excessive use of force

In April, five protesters were killed in Chala, Caraveli province, Arequipa department, during a police operation to control a demonstration against legislative measures on informal mining that they claimed would restrict their activities. Charges were filed against the officer in charge of the operation.

---

[Top of page](#)

## Sexual and reproductive rights

Women, particularly Indigenous women and women on low incomes living in rural areas, continued to face obstacles in accessing their sexual and reproductive rights.

Although the Ministry of Health challenged the 2009 Constitutional Tribunal ruling that the morning-after pill should not be provided by the state, provision of the pill did not resume. The authorities failed to issue a protocol for health professionals on therapeutic abortion, which is legal when the life or health of a woman is at risk.

The Inter-American Commission on Human Rights condemned the state's failure to implement a 2003 agreement to ensure truth, justice and reparation for over 2,000 women who were forcibly sterilized under the government of former President Alberto Fujimori (1990-2000).

---

[Top of page](#)

## Maternal mortality

The National Institute of Statistics reported a significant decrease in the maternal mortality ratio, previously one of the highest in the region. However, there were concerns that the ratio had not decreased in rural areas. Official figures also showed that there had been no improvement in the situation of women in rural areas facing transport difficulties in getting to distant health facilities.

---

[Top of page](#)

## Impunity – past human rights violations

In September, a series of decree laws were issued effectively rolling back advances in tackling impunity over the previous 10 years. Congress voted to revoke Decree Law 1097, which effectively granted amnesty to perpetrators

of human rights violations. However, two further decrees allowing members of the armed forces accused of human rights violations to be tried under military courts remained in place.

Seven years after the Truth and Reconciliation Committee's report was finalized, progress was slow in ensuring truth, justice and reparation, despite some advances. Individual reparations, including formalizing ownership of land granted to relatives and victims, a priority agreed by the government in 2003 before the Inter-American Commission on Human Rights, remained pending at the end of the year. In January, the Supreme Court upheld the sentence passed on former President Alberto Fujimori in 2009. In October, members of the "Colina group" death squad and former high-ranking officials in the government of Alberto Fujimori, were convicted of the killing of 15 people in 1991 and of the enforced disappearance of nine villagers in Santa province in the Ancash region and of Pedro Yauri in Huaura province in the region of Lima in 1992. However, thousands of other cases remained unresolved.

In November, trials began of soldiers accused of killing 69 villagers in 1985 in Accomarca, Vilcashuamán province. A new grave was discovered in the grounds of the Cabitos barracks in Huamanga province, and excavations began of mass graves in Huanta province on the site of the Christmas 1984 massacre of 25 members of the Indigenous community of Putka.

---

[Top of page](#)

## **Prison conditions**

Challapalca prison in Puno province, which is 4,600m above sea level and was closed between 2005 and 2007, remained open. Despite assurances from the authorities that the prison would be closed, 131 prisoners were still held there in October. The prison's inaccessibility limits prisoners' ability to exercise their right to visits from lawyers and doctors.

---

[Top of page](#)