

Human Rights 2003-2004: The US Record

PERU

Emerging from a decade of authoritarian government, Peru is engaged in a process of democratic transformation. President Alejandro Toledo has affirmed that strengthening democracy and protecting human rights are among his top priorities, and the human rights situation has continued to improve under the present Government. There is general respect for press freedom, an increasingly important role for civil society and a commitment from the Government to reform to judiciary, police and military. Nonetheless, judicial inefficiency and corruption, problems with public security forces and poor prison conditions contributed to human rights abuses. Police were accused of unwarranted killings and abuse of detainees. There continued to be allegations of torture and abuse of military recruits and of prisoners. Impunity for past crimes remained a problem, and security forces sometimes harassed victims or other witnesses to keep them from filing charges. Violence against women and children and discrimination against persons with disabilities, indigenous people and racial and ethnic minorities continued. Labor advocates argued that labor laws restricted collective bargaining rights; however, a 2002 law addressed some of these problems. Child labor remained a serious problem in the informal sector. Trafficking in persons was a problem. Perhaps even more dangerous is a growing public perception that democracy has not delivered.

The U.S. human rights and democracy strategy in Peru is to promote decentralization and judicial reforms and to strengthen the efficiency and credibility of the national Congress in coordination with broader regional efforts as part of the Andean Regional Initiative. The United States has supported the work of Peru's Truth and Reconciliation Commission (TRC), efforts to fight child labor and child sexual exploitation and programs to promote greater awareness of democracy for and political participation by historically marginalized groups. The Embassy also continued to sponsor an innovative public schools program promoting a culture of lawfulness as well as ongoing democracy and anti-corruption discussions that included both government and civil society participants.

During June meetings with President Toledo and other officials, the Special Envoy for Western Hemisphere Initiatives urged continuing efforts to strengthen democratic institutions and processes, cited the importance of press freedom and encouraged continued support to anti-corruption initiatives. Embassy officials and high-level delegations, including Principal Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Michael Kozak in January 2004, continue to raise these and other human rights issues both in public statements and private discussions with government officials and civil society.

In addition, in June, Peru actively participated in the Dialogue on Democracy hosted by Under Secretary of State for Global Affairs Paula Dobriansky. In this Community of Democracies project, Peru worked with other democratic nations from Africa, Latin America and the Caribbean, Peru worked with other democratic states from Africa, Latin America and the Caribbean to discuss and develop inter- and intra-regional dialogues, institutions and strategies for the purpose of strengthening the global framework of democracy.

Over a five-year period, the United States will dedicate \$20 million to judicial sector reform, conditioned on political performance and continued political will. The election of a new, pro-reform Supreme Court president in January 2003 provided a positive signal of progress. The United States provides technical assistance to a wide range of democratic institutions including the judiciary, the Congress, the Ministry of Justice, the National Judicial Council and the Judicial Academy. Implementation began with the creation of an improved examination process for permanent judicial appointments, an assessment to reduce caseload in the Lima courts and establishment of an oversight program to evaluate judicial performance.

A \$2.1 million U.S. program to promote efficiency through internal reforms in the National Congress began in 2003, and has already helped reduce the number of congressional committees, establish a center for parliamentary research in Congress and provide direct technical assistance to congressional commissions debating essential reforms and working on draft legislation to reform the justice sector and the penal system, strengthen the Congressional Ethics Commission and establish new laws for municipalities and promote decentralization.

Regional/municipal elections in late 2002 led to the creation of new regional governments in January, with newly elected mayors – many in office for the first time – assuming their positions at the same time. Throughout 2003 and early 2004, the United States provided technical assistance and support to these newly elected officials, including critical training in essential functions such as budget preparation and responsible management of social programs newly transferred to the regions by the central government. U.S. assistance in the installation of a standard nation-wide financial management system should lead to a more transparent, uniform budgetary process throughout the Government.

In addition to key structural reforms, Peru needs to come to terms with its violent, anti-democratic past in order to mature as a democracy. To this end, the United States was the largest single donor to Peru's TRC, providing more than \$2 million to the Commission and to assist victims. Modeled on similar commissions that had worked successfully in other countries undergoing transitions from dictatorship to democracy, the TRC analyzed the political, social and cultural conditions that fostered an era of violence between May 1980 and November 2000. It submitted its report to President Toledo in August and is turning over the names of alleged human rights violators for investigation.

The Commission found that more than 69,000 Peruvians had lost their lives during this 20-year period, the vast majority Quechua-speaking indigenous persons from rural areas, and identified the Maoist guerrilla group Sendero Luminoso as most responsible for the violence and the deaths of the greatest number of innocents. At the same time, the report recognized that Peru's vast social and cultural divisions – combined with weak democracy and underdeveloped institutions – had left society vulnerable to a movement like Sendero and the violent, sometimes excessive, counter-response by some members of the military. U.S. assistance programs are designed to respond to many of the recommendations on institutional reforms in this report.

President Toledo embraced the report and formally apologized to the victims of the violence in a December 9 speech, announcing a \$814 million "Peace and Development Plan" for those regions most affected by the violence and pledging educational outreach and the creation of a multi-sectoral committee to monitor ongoing efforts to reconcile citizens and heal the vast social and cultural gulfs that had led to the rise of Sendero. Compensation for victims and their families through free education, low-cost housing and psychological support was also offered.

The United States promoted additional structural reforms through several initiatives. A model curriculum for junior high students, implemented in coordination with the Ministry of Education and based on living within a culture of lawfulness, is now in its third year. The United States worked to support ongoing restructuring of the police force, funding the establishment and training of a police Internal Affairs Group to investigate allegations of corruption and human rights violations as well as the human rights training of police officers, including training in non-lethal crowd control. All U.S.-Peru military training missions incorporated human rights training, and military and police units proposed for U.S. training and/or support received thorough interagency reviews consistent with Leahy legislation.

Outreach and public awareness programs robustly supported structural reform efforts in Peru, including International Visitor programs focused on decentralization, journalism, the media and non-governmental organizations (NGOs). U.S. grants, speakers and public video conferences with U.S. and Peruvian experts promoted better public awareness of race relations, domestic

violence and anti-corruption issues. The United States worked to build the technical capacity of the Labor Ministry to encourage and teach the techniques of peaceful collective bargaining to leaders in business and labor. The Embassy has also supported and monitored U.S. programs to combat child labor in Lima and in the mining sector.

Trafficking in persons in Peru had appeared a troubling but relatively small problem, with official cases in the single digits each year. However, the Government recently acknowledged the gravity of the country's trafficking problem and is taking significant steps to eliminate it. The United States supports these efforts, including the Government's establishment of a new multi-agency anti-trafficking working group, comprehensive new anti-trafficking legislation slated for expedited consideration in 2004, and the creation of a new anti-trafficking unit in the Ministry of Interior in January 2004. U.S. funds support a new Organization for International Migration project – in coordination with the NGO Movimiento El Pozo and the Peruvian Immigration Department – to establish an anti-trafficking in persons hotline, a public awareness campaign and additional research on the issue.