



HUMAN
RIGHTS
WATCH

Congress in Cahoots

How Peru's Legislature is Allowing Organized
Crime to Thrive



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Summary

In recent years, Peru has experienced a surge in organized crime. Criminal groups have steadily expanded their presence across the country, exerting influence over key sectors of the economy, including gold mining and transportation. In 2024, Peru recorded its highest number of homicides in at least seven years; many appeared to be linked to organized crime groups. Criminal complaints for extortion peaked in 2023 and remained high in 2024.

Organized crime groups are also expanding in other countries in Latin America and the Caribbean. But in Peru, they have enjoyed uniquely favorable conditions: a dysfunctional Congress that has taken myriad steps to weaken key legal frameworks that help keep organized crime in check, and a weak executive branch unable or unwilling to take action.

Between September 2023 and December 2024, Human Rights Watch interviewed 125 people, including prosecutors, police officers, judges, environmental defenders, journalists, Indigenous leaders, and government officials to obtain information and insights into the expansion of organized crime in Peru and the role of authorities in allowing or facilitating its spread. We also reviewed 88 laws and regulations that Congress and President Dina Boluarte’s administration have passed since she took office in December 2022.

We found that, instead of strengthening state institutions to fight organized crime, Peru’s Congress, more than half of whose members are under investigation for corruption and other offenses, has undermined the independence and capacity of courts and prosecutors, allowing organized crime to thrive.

Congress has sharply limited prosecutors’ ability to obtain evidence and investigative leads from defendants willing to cooperate (via a mechanism known as “efficient collaboration”), a significant blow to efforts to dismantle criminal groups and detect connections to corrupt officials. It has modified the definition of “organized crime” in the Criminal Code to exclude many corruption offenses, while putting obstacles in the way of investigative searches. It has eased the “regularization” of past large-scale illegal deforestation, preventing prosecutors from successfully pursuing those responsible. And

lawmakers have arbitrarily removed high-level judges and prosecutors, often in ways that have blocked investigations into corruption.

Although the administration of President Boluarte has pushed back at times against such ill-conceived and rights-jeopardizing laws, it too often has allowed Congress to advance problematic legislation while doing too little on its own initiative to fight crime effectively. Like other leaders in Latin America, Boluarte has resorted to declaring province-wide “states of emergency,” which suspend constitutional rights, as her government’s main tool against crime. However, data and testimonies collected by Human Rights Watch show that these efforts have not decreased homicides.

Current lawmakers and President Boluarte, or whoever replaces them following elections in April 2026, should reverse or reform the laws, policies, and norms that have eroded democracy, the rule of law, and the ability to fight corruption and organized crime. They should comply with Peru’s obligations under international human rights law to ensure the independence of courts and prosecutors and take steps to protect the rights to life and physical integrity of Peruvians.

International actors can also play a role in rebuilding Peru’s institutional framework. Peru is in the process of acceding to the Organisation for Economic Co-operation and Development (OECD), a group of mostly high-income countries that promotes policies to improve the economic and social well-being of people around the world. The OECD can and should secure concrete commitments from the Peruvian government to address the multiple governance and security concerns detailed in this report.

Peruvians deserve a Congress and executive branch that work to ensure their rights, including to be safe from violence by organized crime groups.

Recommendations

To the Peruvian Congress

- Amend or repeal laws that hinder the fight against organized crime, curtail prosecutorial and judiciary capacities, and undermine environmental protections, including laws 31751, 31990, 31973, and 32138.
- Reject bills that would give Congress excessive disciplinary powers over judges, prosecutors, and electoral officials, including bills 06816/2023-CR and 09938/2024-CR.
- Ensure due process in proceedings against judges, prosecutors, and other public officials and respect judicial independence, including by refraining from investigating judges and prosecutors for the content of their decisions.
- Work with civil society organizations, Indigenous communities, and relevant national and local government agencies to design and implement an accessible, transparent and accountable process for the formalization of artisanal and small-scale gold mining, which should include clear criteria, timelines, and enforcement mechanisms to ensure legal compliance, and avoid misuse of the process as a tool to escape government oversight and prosecution.
- Ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the “Escazú Agreement”).

To the Boluarte Administration

- Develop and implement a rights-respecting security policy aimed at dismantling criminal groups and protecting the public from their abuses, including by ensuring police have the resources, training, and equipment to conduct appropriate forensic analysis and work collaboratively with the Attorney General’s Office.
- Refrain from implementing states of emergency for prolonged periods of time.
- Work collaboratively with other countries, particularly neighboring states, to address transnational crime and its consequences, including by sharing information on illicit activities and providing mutual assistance.

- Support Colombia’s initiative to develop a binding international agreement aimed at ensuring traceability, transparency, and accountability throughout the entire minerals value chain.

To the Attorney General’s Office

- Ensure that prosecutors throughout Peru, particularly those in rural and remote areas, have the necessary resources, equipment, and technology to fight organized crime.
- Conduct thorough investigations into the connections between organized crime and public officials.
- Ensure respect for due process and international human rights standards on press freedom, including by reviewing the case of journalist Gustavo Gorriti.

To the Public Governance and Environment Policy Committees at the OECD

- As part of Peru’s accession process, ask the Peruvian government to take concrete steps to remove barriers to effective criminal investigations of organized crime, environmental crimes, and corruption, guarantee respect for the separation of powers, protect and promote civic space, and strengthen environmental protections.

Methodology

This report is based on research conducted between September 2023 and December 2024. Human Rights Watch visited Lima, the capital city of Peru; Puerto Maldonado, in the department of Madre de Dios; Pucallpa, in the department of Ucayali; and Trujillo, in the department of La Libertad. We conducted in person and online interviews with 125 people, including representatives of nongovernmental organizations, Indigenous leaders, environmental defenders, journalists, prosecutors, police members, and judges. Some spoke on condition of anonymity. As a result, relevant citations omit details that could possibly lead to their identification.

Human Rights Watch also reviewed 34 laws, bills, and other decisions passed by Peru's Congress between 2023 and April 2025. We also reviewed 54 presidential decrees signed by President Dina Boluarte during that period. Human Rights Watch also reviewed reports and databases from the Peruvian National Police (PNP), the Ministry of Health, and the Attorney General's Office, regarding criminality in the country.

The report also draws on prior Human Rights Watch research and reporting on the rule of law and democracy in Peru in 2023 and 2024.¹

¹ See, among others, Human Rights Watch, *Deadly Decline: Security Force Abuses and Democratic Crisis in Peru* (New York: Human Rights Watch, 2023), <https://www.hrw.org/report/2023/04/26/deadly-decline/security-force-abuses-and-democratic-crisis-peru>; "Peru: Congress Should Respect Judicial Independence," Human Rights Watch news release, November 7, 2023, <https://www.hrw.org/news/2023/11/07/peru-congress-should-respect-judicial-independence>; and "Peru: Congress Ramps Up Assault on Democratic System," Human Rights Watch news release, June 12, 2024, <https://www.hrw.org/news/2024/06/12/peru-congress-ramps-assault-democratic-system>.

I. Background

Corruption and Instability

Peru's Congress, more than half of whose members are under criminal investigation for corruption and other offenses, has been dominated by self-dealing and petty personal agendas.² It is also highly unpopular: as of March 2025, 95 percent of Peruvians had an unfavorable perception of Congress.³ "Congress lacks legitimacy, carries out groundless initiatives, and has a twisted view of democracy and human rights," a judge from a Peruvian high court told Human Rights Watch.⁴

Some experts trace the deterioration of Congress' record to recent constitutional reforms. In a 2018 referendum, Peruvians overwhelmingly voted to ban congressional re-election and maintain a unicameral Congress.⁵ Some scholars and political experts warned that the lack of re-election would create incentives for Congress members to exploit the benefits and influence of their positions during their five-year term, and would hinder the development of expertise and technical skills.⁶ In 2024, Congress amended the Constitution to restore re-election and introduce a bicameral system, which will take effect in 2026.⁷

² Carlos Villacorta and Mariana Quilca, "67 congressmen in the Attorney General's Office: together they have committed 729 crimes" ("67 congresistas en la Fiscalía: juntos acumulan 729 delitos"), *La República*, May 28, 2024, <https://larepublica.pe/politica/2024/05/28/congreso-del-peru-67-congresistas-en-la-fiscalia-juntos-acumulan-729-delitos-poder-judicial-ministerio-publico-corrupcion-en-el-peru-1820812> (accessed February 18, 2025).

³ Institute of Peruvian Studies (Instituto de Estudios Peruanos, IEP), *IEP Opinion Report March 2025 (Full Report) (IEP Informe de opinión de marzo 2025 (Informe completo))*, March 2025, <https://iep.org.pe/wp-content/uploads/2025/03/IEP-Informe-de-opinion-marzo-2025-informe-completo.pdf> (accessed April 8, 2025).

⁴ Human Rights Watch interview with a judge from a Peruvian high court who requested anonymity, Lima, April 2024.

⁵ National Office of Electoral Processes (Oficina Nacional de Procesos Electorales, ONPE), "Presentation of Results - Referendum 2018" ("Presentación de Resultados - Referéndum 2018"), webpage, [n.d.], <https://resultadoshistorico.onpe.gob.pe/PRR2V2018/Referendum/T> (accessed February 18, 2025).

⁶ See, for example, Javier Alonso de Belaunde de Cárdenas, "Bicameralism and parliamentary re-election: as unpopular as they are necessary" ("Bicameralidad y reelección parlamentaria: tan impopulares como necesarias"), *Instituto de Democracia y Derechos Humanos (IDEHPUCP)*, March 12, 2024, <https://idehpucp.pucp.edu.pe/boletin-eventos/bicameralidad-y-reeleccion-parlamentaria-tan-impopulares-como-necesarias/> (accessed February 18, 2025); Tomáš Došek, "Local re-election reforms in Latin America: scenarios and comparative evidence" ("Las reformas de reelección local en América Latina: escenarios y evidencia comparada"), *Revista Elecciones*, vol. 18(19), 2019, <https://revistas.onpe.gob.pe/index.php/elecciones/article/view/146> (accessed February 18, 2025); Alberto Vergara, "Peruvian democracy is dying" ("La democracia peruana agoniza"), *New York Times*, November 12, 2020, <https://www.nytimes.com/es/2020/11/12/espanol/opinion/peru-vizcarra-vacancia.html> (accessed February 18, 2025).

⁷ "Constitutional Reform Law that restores bicameralism in the Congress of the Republic of Peru" ("Ley de Reforma Constitucional que restablece la bicameralidad en el Congreso de la República del Perú"), Law No. 31988, *Diario Oficial El Peruano*, March 20, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2272076-2> (accessed February 18, 2025).

The executive branch has also been marred by instability and corruption. Peru has had seven presidents from 2016 to 2022, although the Constitution establishes a five-year presidential term.⁸ One of them was convicted of money laundering in connection with illicit campaign funding, while two others have been charged with other corruption offenses.⁹ Current President Dina Boluarte is under investigation in at least nine different cases, including two for allegedly receiving illicit contributions for her political campaign and expensive watches from a provincial governor.¹⁰

President Boluarte took office on December 7, 2022, after former President Pedro Castillo tried—and failed—to shut down Congress and “reorganize” the judiciary, in what amounted to an attempted coup.¹¹ Castillo’s announcement and subsequent impeachment by Congress triggered protests that, among other demands, called for early elections.¹² The police and armed forces responded with excessive use of force. Forty-nine protesters and bystanders were killed, and thousands were injured.¹³ A commission in Congress initiated an investigation into the possible role of President Boluarte and members of her cabinet in

⁸ In 2016, Ollanta Humala transferred power to Pedro Pablo Kuczynski. In 2018, Kuczynski resigned amid an impeachment process in Congress. Martín Vizcarra, his vice president, became president. In 2020, Congress impeached Vizcarra. Manuel Merino, a congressman, took office. Five days later, Merino resigned amid widespread protests. Francisco Sagasti, a member of Congress, was sworn in as president. In 2021, Pedro Castillo won the elections and became president. In 2022, Congress impeached Castillo, and his vice president, Dina Boluarte, became president.

⁹ Víctor Reyes Parra, “Ollanta Humala and Nadine Heredia are sentenced to 15 years in prison for money laundering” (“Ollanta Humala y Nadine Heredia son condenados a 15 años de cárcel por lavado de activos”), *El Comercio*, April 15, 2025, <https://elcomercio.pe/politica/justicia/en-vivo-ollanta-humala-y-nadine-heredia-poder-judicial-sentencia-este-martes-por-lavado-de-activos-en-caso-de-aportes-al-partido-nacionalista-expresidente-del-peru-noticia/> (accessed April 15, 2025); Renzo Gómez Vega, “The Peruvian Prosecutor’s Office seeks 35-year prison term for former president Pedro Pablo Kuczynski over the ‘Odebrecht case’” (“La Fiscalía de Perú solicita 35 años de cárcel para el expresidente Pedro Pablo Kuczynski por el ‘caso Odebrecht’”), *El País*, May 12, 2023, <https://elpais.com/internacional/2023-05-13/la-fiscalia-de-peru-solicita-35-anos-de-carcel-para-el-expresidente-pedro-pablo-kuczynski-por-el-caso-odebrecht.html> (accessed February 18, 2025); Tomás Ezerskii, “Oral trial against Martín Vizcarra for alleged million-dollar bribes will continue on February 10 with key witnesses” (“Juicio oral contra Martín Vizcarra por presuntos sobornos millonarios continuará el 10 de febrero con testigos clave”), *Infobae*, February 3, 2025, <https://www.infobae.com/peru/2025/02/03/juicio-oral-contra-martin-vizcarra-por-presuntos-sobornos-millonarios-continuar-el-10-de-febrero-con-testigos-clave/> (accessed February 18, 2025).

¹⁰ Camila Calderón, “Dina Boluarte closes 2024 with nine investigations: crimes and cases in which she is involved” (“Dina Boluarte cierra el 2024 con nueve investigaciones: delitos y casos en los que está implicada”), *Infobae*, December 30, 2024, <https://www.infobae.com/peru/2024/12/31/dina-boluarte-cierra-el-2024-con-nueve-investigaciones-delitos-y-casos-en-los-que-esta-implicada/> (accessed February 19, 2025).

¹¹ “Human Rights Watch Statement on Coup in Peru,” Human Rights Watch news release, December 8, 2022, <https://www.hrw.org/news/2022/12/08/human-rights-watch-statement-coup-peru>.

¹² Human Rights Watch, *Deadly Decline: Security Force Abuses and Democratic Crisis in Peru*.

¹³ *Ibid.*

44 of the deaths, but as of March 2025, there had been no progress in the investigation.¹⁴ Meanwhile, former president Castillo remains in pre-trial detention, accused of “rebellion” and corruption-related crimes.¹⁵

Congress and President Boluarte have refused public calls for early elections.¹⁶ Presidential and congressional elections will be held in April 2026, with more than 50 political parties expected to participate.¹⁷

According to polls, President Boluarte’s approval rating has been under 40 percent since she took office; as of March 2025, it was around 4 percent, the lowest of her presidency.¹⁸ She has changed her cabinet more than seven times, often in response to corruption scandals, appointing over 60 ministers in her first two years in office.¹⁹

¹⁴ “Deadline granted to investigate and submit report on five constitutional complaints” (“Otorgan plazo para investigar y presentar informe respecto a cinco denuncias constitucionales”), Congress of the Republic of Peru news release, December 5, 2024, <https://comunicaciones.congreso.gob.pe/noticias/otorgan-plazo-para-investigar-y-presentar-informe-respecto-a-cinco-denuncias-constitucionales/> (accessed February 19, 2025).

¹⁵ David Solar Silva, “Pedro Castillo will remain in prison: the Judiciary declared the ex officio review of his pretrial detention unfounded” (“Pedro Castillo seguirá en la cárcel: PJ declaró infundada revisión de oficio de su prisión preventiva”), *Infobae*, October 25, 2024, <https://www.infobae.com/peru/2024/10/25/pedro-castillo-seguira-en-la-carcel-pj-declaro-infundada-revision-de-oficio-de-su-prision-preventiva/> (accessed February 18, 2025).

¹⁶ “Peru: The government rejected early elections and protests are growing” (“Perú: el gobierno rechazó las elecciones anticipadas y aumentan las protestas”), *Ámbito*, January 27, 2023, <https://www.ambito.com/mundo/peru/el-gobierno-rechazo-las-elecciones-anticipadas-y-aumentan-las-protestas-n5638235> (accessed June 18, 2025).

¹⁷ “JNE estimates that the 2026 general elections could be held with 50 parties and 12 thousand candidates” (“JNE estima que elecciones generales 2026 podría ser con 50 partidos y 12 mil candidatos”), *Andina*, January 13, 2025, <https://andina.pe/agencia/noticia-jne-estima-elecciones-generales-2026-podria-ser-50-partidos-y-12-mil-candidatos-1014446.aspx> (accessed February 19, 2025); National Jury of Elections (Jurado Nacional de Elecciones), “General Elections 2021: Candidate List and Candidate Statistics” (“Elecciones Generales 2021: Estadísticas de Lista de candidatos y Candidatos”), 2021, https://portal.jne.gob.pe/portal_documentos/files/ca1b4e20-48eb-486a-bae7-2da2ad4618e3.pdf (accessed February 19, 2025).

¹⁸ IEP, *IEP Opinion Report March 2025 (Full Report)*.

¹⁹ Renzo Gómez Vega, “Dina Boluarte renews Peru’s cabinet for the seventh time in two years” (“Dina Boluarte renueva el gabinete de Perú por séptima vez en dos años”), *El País*, February 6, 2025, <https://elpais.com/america/2025-02-06/dina-boluarte-renueva-el-gabinete-de-peru-por-septima-vez-en-dos-anos.html> (accessed February 19, 2025); Luis Paucar, “Dina Boluarte has changed an average of one minister every 15 days so far in her administration” (“Dina Boluarte ha cambiado en promedio a un ministro cada 15 días en lo que va de su gobierno”), *Infobae*, February 10, 2025, <https://www.infobae.com/peru/2025/02/10/dina-boluarte-ha-cambiado-en-promedio-a-un-ministro-cada-15-dias-en-lo-que-va-de-su-gobierno/> (accessed February 19, 2025).

Increased Poverty and Emigration

For over a decade starting in the early 2000s, Peru made significant progress in reducing the proportion of people living in poverty as defined by the national government, from more than half of the population in 2002 to around 20.7 percent in 2016.²⁰ While this followed a regional trend, Peru's poverty rate fell even more rapidly than the regional average.²¹

By 2019, Peru's national poverty rate had fallen to 20.2 percent.²² However, the Covid-19 pandemic hit Peru's economy hard and poverty levels rose to 30 percent in 2020. It remained elevated in the following years, with 27.6 percent of the population still affected in 2024, the most recent year for which such data is available.²³

Extreme poverty, which had been reduced from nearly a quarter of the population in 2001 to less than 3 percent in 2019, almost doubled to 5.5 percent in 2024. It remained below Latin America's average of 10.6 percent.²⁴

Government statistics show that poverty disproportionately affects children, people living in rural areas, and those who identify as Black or Indigenous. As of 2023, the age groups with the highest incidence of poverty were children aged 0 to 5 years (42.6 percent), 6 to 11 years (39.2 percent), and 12 to 17 years (35.1 percent).²⁵ Nearly 40 percent of people living

²⁰ The National Institute of Statistics and Informatics (Instituto Nacional de Estadística e Informática, INEI) defines people as poor if they live in a household whose per capita income is insufficient to afford a basic basket of food and non-food items (i.e. housing, clothing, education, health, transportation, etc.). INEI, *Peru: Poverty Profile by Department, 2001-2010 (Perú: Perfil de la Pobreza por departamentos, 2001-2010)* (Lima: INEI, 2011), https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib0981/Libro.pdf (accessed February 24, 2025), p. 39; INEI, *Peru: Evolution of Monetary Poverty, 2015-2024 (Perú: Evolución de la Pobreza Monetaria, 2015-2024)* (Lima: INEI, 2025), <https://www.gob.pe/institucion/inei/informes-publicaciones/6763186-peru-evolucion-de-la-pobreza-monetaria-2015-2024> (accessed June 13, 2025), p. 65.

²¹ Latin America's poverty rate fell from 45.3 percent in 2002 to 27.7 percent in 2014. See Economic Commission for Latin America and the Caribbean (ECLAC), *Social Panorama of Latin America and the Caribbean, 2024: The challenges of non-contributory social protection in advancing towards inclusive social development* (Santiago: ECLAC, 2024), <https://repositorio.cepal.org/server/api/core/bitstreams/b670f1e0-aa72-4d8c-afc3-1279e313c216/content> (accessed February 24, 2025), p. 41.

²² INEI, *Peru: Evolution of Monetary Poverty, 2015-2024*, p. 64.

²³ Ibid.

²⁴ INEI defines people as living in extreme poverty if they live in a household whose per capita income is insufficient to purchase a basket of food products with the 110 most consumed items. INEI, *Peru: Evolution of Monetary Poverty, 2015-2024*, p. 72; ECLAC, *Social Panorama of Latin America and the Caribbean, 2024*, p. 41.

²⁵ INEI, *Peru: Evolution of Monetary Poverty: 2014-2023 (Perú: Evolución de la Pobreza Monetaria, 2014-2023)* (Lima: INEI, 2024), <https://cdn.www.gob.pe/uploads/document/file/6469130/5558432-peru-evolucion-de-la-pobreza-monetaria-2014-2023.pdf?v=1718204242> (accessed February 24, 2025), p. 96.

in rural areas were living in poverty, compared to 26 percent of those living in urban areas.²⁶ Almost 37 percent of people who identified as Black and 34 percent who identified as Indigenous were living in poverty, compared to 28 percent of those who identified as white.²⁷

Levels of informal work in Peru have remained historically high, depriving workers of formal labor and social protections, such as employer-based social insurance for unemployment, disability, and old-age pensions. As of 2023, 71.1 percent of workers worked informally, including 65 percent of urban workers and almost 95 percent of rural workers.²⁸ Peru's rate of informal work is the fourth highest in Latin America and the Caribbean, surpassed only by Bolivia, Honduras, and Guatemala.²⁹

The share of informal workers is also especially high among children and young adults, with 84.9 percent of those aged 14 to 24 working in the informal labor economy.³⁰ This impacts the expectations and opportunities of youth in Peru. In a national survey conducted in 2024, 76 percent of respondents aged 18 to 25 expressed a desire to emigrate, citing better economic opportunities as the main reason.³¹

At the same time, Peru has one of the lowest levels of government social spending in South America as a percentage of GDP, second only to Paraguay according to 2023 data.³² Social spending includes social protection, education, and health services provided by the

²⁶ Ibid., p. 65.

²⁷ Ibid., p. 102.

²⁸ INEI, *Informal Production and Employment in Peru: Satellite Account of the Informal Economy 2022-2023 (Producción y Empleo Informal en el Perú: Cuenta Satélite de la Economía Informal 2022-2023)* (Lima: INEI, 2024), <https://cdn.www.gob.pe/uploads/document/file/7448702/6344108-produccion-y-empleo-informal-en-el-peru-cuenta-satelite-de-la-economia-informal-2022-2023.pdf> (accessed February 24, 2025), pp. 49-51.

²⁹ ECLAC, *Panorama of Productive Development Policies in Latin America and the Caribbean, 2024: How can the region advance the great productive transformation it needs?* (Santiago: ECLAC, 2024), <https://www.cepal.org/en/publications/80643-panorama-productive-development-policies-latin-america-and-caribbean-2024-how-can> (accessed February 24, 2025), p. 52. Venezuela is not included in this ranking.

³⁰ INEI, *Informal Production and Employment in Peru: Satellite Account of the Informal Economy 2022-2023*, p. 56. In 2023, the US Department of Labor estimated that over 18 percent of children between the ages of 5 and 14 were working in Peru; US Department of Labor, Bureau of International Labor Affairs, "2023 Findings on the Worst Forms of Child Labor: Peru," https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2023/Peru.pdf (accessed May 30, 2025).

³¹ Ipsos, "Opinion Study: Results Report" ("Estudio de opinión: Informe de resultados"), August 2024, <https://www.ipsos.com/sites/default/files/ct/news/documents/2024-09/Encuesta%20Per%C3%BA%2021-Ipsos%20%28Agosto%202024%29-%20Situaci%C3%B3n%20Social%20-Migraci%C3%B3n.pdf> (accessed February 24, 2025), pp. 5 and 8.

³² ECLAC, *Social Panorama of Latin America and the Caribbean, 2024*, p. 220. Venezuela is not included in this ranking.

central government. In terms of social protection, which encompasses programs providing in-kind and income security to individuals and households in at least nine areas including illnesses, disabilities, unemployment, and older age, Peru spent US\$180 per capita in 2023.³³ This amount is roughly one-quarter the South American average of \$703 per capita and is the second lowest in the region (Bolivia's is \$140 per capita).³⁴ "The state is absent from the daily lives of regular people. Not only do we lack strong institutions, but there are also areas where the state has no presence at all," a government official in the Madre de Dios department told Human Rights Watch.³⁵

As poverty and political instability have increased, so has the number of people leaving the country. The number of Peruvians emigrating had constantly declined from 2007 (200,000 people per year) to 2017 (104,000 people per year). But in 2018 and 2019, the number rose to 115,000 per year. During the worst years of the Covid-19 pandemic, in 2020 and 2021, it stayed below 100,000 people per year, but in 2022 it reached an all-record high of nearly 280,000 people.³⁶ The most recent consolidated government data, from 2023, shows that more than 180,000 Peruvians left the country that year.³⁷ Preliminary figures for 2024 indicate that nearly 160,000 Peruvians emigrated during that year.³⁸

³³ Ibid., p. 228.

³⁴ Ibid.

³⁵ Human Rights Watch interview with Luis Alberto Rodríguez Mamani, manager of social development of the regional government of Madre de Dios, Puerto Maldonado, Madre de Dios, September 5, 2023.

³⁶ INEI and Peru's National Superintendency of Migration (Superintendencia Nacional de Migraciones), *Peru: International Migration Statistics as of 2024 (A view from Administrative Records) (Perú: Estadísticas de la Migración Internacional, al 2024 (Una visión desde los Registros Administrativos))* (Lima: INEI, 2024),

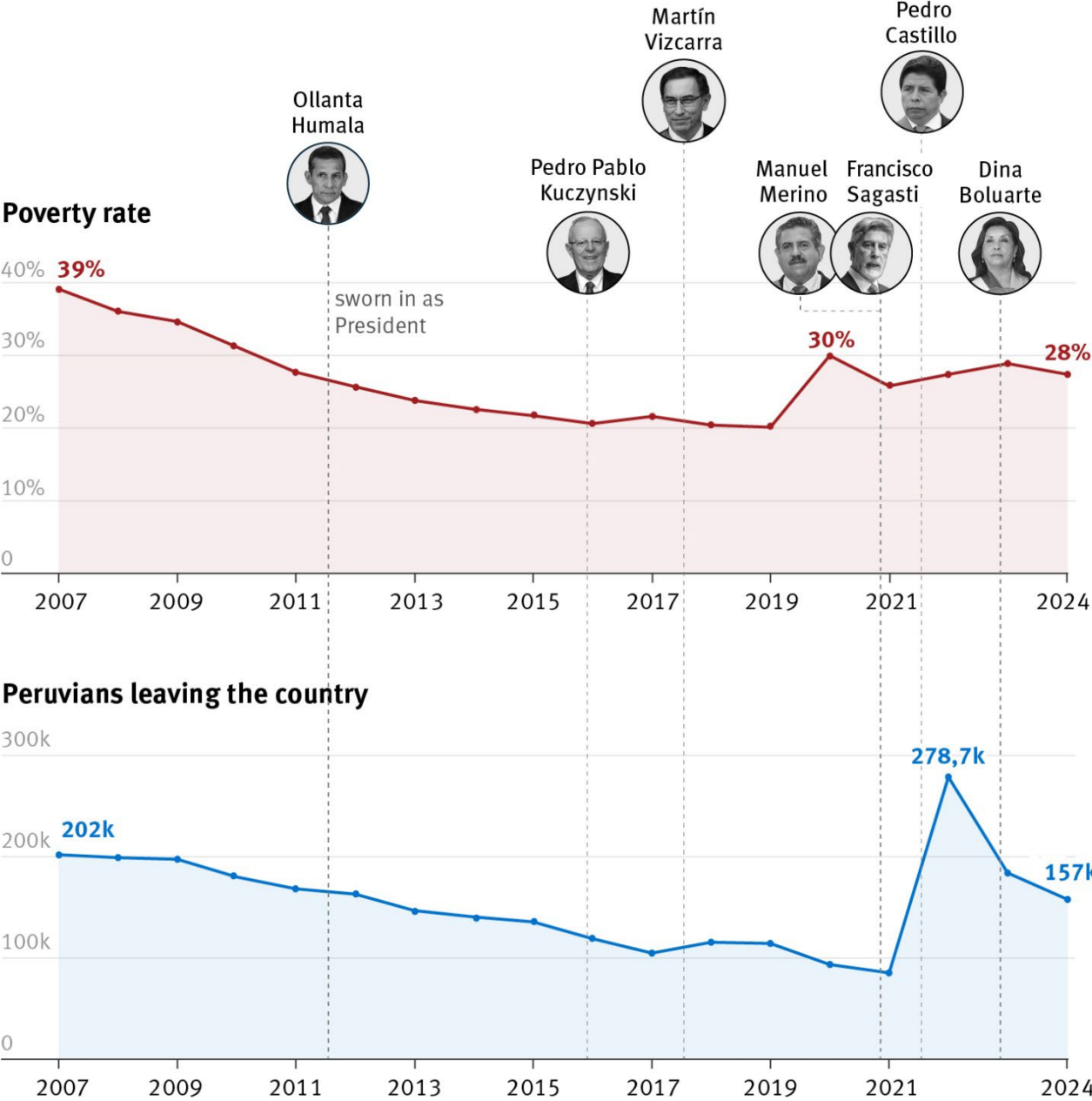
<https://cdn.www.gob.pe/uploads/document/file/7469985/6359031-peru-estadisticas-de-la-migracion-internacional-al-2024-una-vision-desde-los-registros-administrativos%282%29.pdf> (accessed March 6, 2025), p. 10.

³⁷ Ibid.

³⁸ "Entry of foreigners into Peru increased by 18.2% in the third quarter of 2024" ("Ingreso de extranjeros al Perú aumentó 18,2% en el tercer trimestre de 2024"), INEI news release, December 5, 2024, <https://www.gob.pe/institucion/inei/noticias/1070023-ingreso-de-extranjeros-al-peru-aumento-18-2-en-el-tercer-trimestre-de-2024> (accessed June 13, 2025); "35.5% of foreigners entering Peru came from Chile" ("El 35,5% de los extranjeros ingresaron al Perú procedentes de Chile"), INEI news release, March 5, 2025, <https://www.gob.pe/institucion/inei/noticias/1121090-el-35-5-de-los-extranjeros-ingresaron-al-peru-procedentes-de-chile> (accessed June 13, 2025).

Presidencies, Poverty and Emigration in Peru

2007–2024



2024 migration figures are preliminary.

Source: National Institute of Statistics and Information Technology's for poverty and migration figures; various media outlets for presidencies.

Shrinking Civic Space

In recent years, Congress and the executive branch have created a hostile environment for independent journalists and human rights groups, who have faced increasingly aggressive rhetoric from government authorities and legislation that seeks to undermine their work.

President Boluarte has accused journalists of orchestrating a “soft coup” against her administration and fabricating “horror stories to prompt investigations by the Attorney General’s Office.”³⁹ Members of her administration have echoed claims of a “destabilizing” press.⁴⁰ Boluarte has also consistently avoided contact with the media, going months without giving interviews or holding press conferences.⁴¹

Following reporting on corruption in her administration, in March 2025 President Boluarte publicly urged the Attorney General’s Office to search the offices of Gustavo Gorriti, the founder and director of the investigative online newspaper *IDL-Reporteros*.⁴² Prosecutors had raided his home in 2024 and opened an investigation, based solely on the testimony of a single former Attorney General’s Office official, who accused Gorriti of receiving sensitive information from anti-corruption prosecutors in exchange for giving them positive media coverage.⁴³

³⁹ “Dina Boluarte expressed her support for Minister Santiváñez” (“Dina Boluarte mostró su respaldo al Ministro Santiváñez”), *RPP Noticias*, video clip, YouTube, March 3, 2025, <https://youtu.be/p2V6UCfvojs?feature=shared> (accessed March 5, 2025); “Boluarte calls for combating the war on fake news and ‘image terrorism’” (“Boluarte llama a combatir la guerra de las noticias falsas y el «terrorismo de imagen»”), *Swissinfo*, October 8, 2024, <https://www.swissinfo.ch/spa/boluarte-llama-a-combatir-la-guerra-de-las-noticias-falsas-y-el-%22terrorismo-de-imagen%22/87697790> (accessed March 5, 2025).

⁴⁰ Carlos Oré Arroyo, “Minister of Culture deleted posts in which he denounced an attempted ‘soft coup’ against Dina Boluarte” (“Ministro de Cultura borró las publicaciones en las que denunciaba un intento de ‘golpe de Estado blanco’ contra Dina Boluarte”), *Infobae*, March 5, 2025, <https://www.infobae.com/peru/2025/03/05/ministro-de-cultura-borro-las-publicaciones-en-las-que-denunciaba-un-intento-de-golpe-de-estado-blanco-contra-dina-boluarte/> (accessed June 18, 2025).

⁴¹ Clara Giraldo, “Dina Boluarte: the president has not given an interview to the press for more than four months” (“Dina Boluarte: hace más de cuatro meses que la presidenta no ofrece una entrevista a la prensa”), *Infobae*, May 4, 2023, <https://www.infobae.com/peru/2023/05/04/dina-boluarte-hace-mas-de-cuatro-meses-que-la-presidenta-no-ofrece-una-entrevista-con-la-prensa/> (accessed March 5, 2025); “Dina Boluarte gives an interview to a Chinese media outlet but still hasn’t responded to the Peruvian press” (“Dina Boluarte da entrevista a un medio de China, pero sigue sin responder a la prensa peruana”), *El Comercio*, July 5, 2024, <https://elcomercio.pe/politica/gobierno/dina-boluarte-da-entrevista-a-un-medio-de-china-pero-sigue-sin-responder-a-la-prensa-peruana-xi-jinping-ultimas-noticia/> (accessed March 5, 2025).

⁴² “Dina Boluarte attacks the press and the Attorney General’s Office” (“Dina Boluarte ataca a la prensa y al Ministerio Público”), *IDL-Reporteros*, video clip, YouTube, March 4, 2025, <https://youtu.be/ZenUuOZryvo?feature=shared> (accessed March 6, 2025).

⁴³ Attorney General’s Office of the Republic of Peru, “Opening of preliminary proceedings” (“Apertura de diligencias preliminares”) and “Order No. 03-2024-MP-FN-2FSTEDCFP” (“Disposición N° 03-2024-MP-FN-2FSTEDCFP”), on file with Human Rights Watch.

The Attorney General’s Office demanded Gorriti hand over his phone, an act the Committee to Protect Journalists warned could jeopardize “the right of reporters to maintain confidential sources.”⁴⁴ Gorriti refused and filed a lawsuit to halt the investigation, citing violations of his rights as a journalist.⁴⁵ As of April 2025, an appeal remained pending.⁴⁶

“We are forced to dedicate more time and resources to defend ourselves [from these proceedings], time and resources that we would otherwise dedicate to investigate and report on the corrupt links between politicians and organized crime,” Gorriti told Human Rights Watch.⁴⁷

In March 2025, Congress passed a bill that significantly expands the government’s authority over nongovernmental organizations and journalists that receive foreign funding.⁴⁸ The bill’s vague and overbroad language could allow the government to arbitrarily penalize groups that criticize its policies, including by suspending or eventually canceling their registration.⁴⁹ President Boluarte signed it into law on April 14, 2025.⁵⁰

The law comes at a time when the administration of US President Donald Trump has curtailed foreign aid, affecting Peruvian nongovernmental organizations and independent media.⁵¹ From July 2022 to June 2023, Peru was the third-largest recipient of US foreign assistance in South America—surpassed only by Colombia and Ecuador—and the sixth-

⁴⁴ Committee to Protect Journalists, “Peruvian authorities target journalist Gustavo Gorriti in bribery probe,” April 2, 2024, <https://cpj.org/2024/04/peruvian-authorities-target-journalist-gustavo-gorriti-in-bribery-probe/> (accessed March 6, 2025).

⁴⁵ IDL-Reporteros (@IDL_R), post to X, September 5, 2024, https://x.com/IDL_R/status/1831806699323453753 (accessed March 6, 2025). Human Rights Watch text message exchange with a member of IDL-Reporteros on the status of the case, April 8, 2025.

⁴⁶ Human Rights Watch text message exchange with a member of IDL-Reporteros on the status of the case, April 8, 2025.

⁴⁷ Human Rights Watch interview with Gustavo Gorriti and other members of IDL-Reporteros, Lima, April 29, 2024.

⁴⁸ “Approval granted to strengthen APCI in its supervisory and oversight functions over nongovernmental organizations” (“Aprueban fortalecer la APCI en sus funciones de supervisión y fiscalización a organizaciones no gubernamentales”), Congress of the Republic of Peru news release, June 5, 2024, <https://comunicaciones.congreso.gob.pe/noticias/aprueban-fortalecer-la-apci-en-sus-funciones-de-supervision-y-fiscalizacion-a-organizaciones-no-gubernamentales/> (accessed March 6, 2025).

⁴⁹ “Peru: Veto ‘Anti-NGO’ Law,” Human Rights Watch news release, March 20, 2025, <https://www.hrw.org/news/2025/03/20/peru-veto-anti-ngo-law>.

⁵⁰ Peru’s Official Gazette, Law No. 32301, published on April 15, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2390801-1> (accessed April 21, 2025).

⁵¹ “US: Trump Administration Guts Foreign Aid,” Human Rights Watch news release, February 28, 2025, <https://www.hrw.org/news/2025/02/28/us-trump-administration-guts-foreign-aid>; Human Rights Watch interview with Zuliana Lainez, president of the National Association of Journalists of Peru, Lima, October 17, 2024.

largest in Latin America and the Caribbean, receiving over \$240 million.⁵² Groups impacted by these cuts reportedly include some working to address food insecurity in vulnerable communities and others working on judicial independence.⁵³

As of April 2025, Congress was considering a bill to increase the prison time for the crimes of libel and slander, expand the application of libel to cases where “personal privacy” is affected, and mandate that information deemed false be corrected the day after officials or private individuals request it.⁵⁴ Laws that allow imprisonment for criticizing individuals, especially government officials, are incompatible with Peru’s international obligations to protect freedom of expression and of the press. Congress’ Justice and Human Rights Committee approved the bill in March, enabling the full chamber to discuss it, but further consideration of the bill was still pending in early May.⁵⁵

The OECD and Peru’s Accession Process

In 2022, the Organisation for Economic Co-operation and Development (OECD), a group of mostly high-income countries that promotes policies to improve economic and social well-being, adopted a roadmap for Peru to become a member.⁵⁶ President Boluarte declared Peru’s accession to the OECD a matter of “national interest.”⁵⁷

As part of the accession process, 24 specialized committees, covering areas such as public governance, health, education, the environment, and labor issues, are required to review

⁵² US Department of State, “U.S. Foreign Assistance By Country, Peru – Disbursements by Program Area for Fiscal Year 2023,” [ForeignAssistance.gov](https://foreignassistance.gov/webpage), webpage, [n.d.], <https://foreignassistance.gov/cd/peru/2023/disbursements/o> (accessed March 12, 2025).

⁵³ *Ibid.*

⁵⁴ Congress of the Republic of Peru, Bill No. 04431/2022-CR, presented on March 9, 2023, <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/4431> (accessed April 14, 2025); Congress of the Republic of Peru, Bill No. 06718/2023-CR, presented on December 20, 2023, <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/6718> (accessed April 14, 2025).

⁵⁵ *Ibid.*

⁵⁶ Organisation for Economic Co-operation and Development (OECD), Meeting of the Council at Ministerial Level, 9-10 June 2022, Roadmap for the OECD Accession Process of Peru, Doc. No. C/MIN(2022)24/FINAL, June 10, 2022, [https://one.oecd.org/document/C/MIN\(2022\)24/FINAL/en/pdf](https://one.oecd.org/document/C/MIN(2022)24/FINAL/en/pdf) (accessed May 9, 2025).

⁵⁷ Peru’s Official Gazette, Supreme Decree No. 041-2023-PCM, published on March 24, 2023, <https://cdn.www.gob.pe/uploads/document/file/4337846/Decreto%20Supremo%20N.%C2%Bo%20041-2023-PCM.pdf?v=1680046101> (accessed May 9, 2025).

Peru's alignment with OECD standards and practices.⁵⁸ These committees also issue a range of recommendations for countries hoping to become members.

Although the OECD does not publicize the progress of the committees' reviews, the Boluarte administration said in December 2024 that seven committees had approved Peru's accession.⁵⁹

In January 2025, an OECD working group on bribery of foreign public officials in international business transactions sent a high-level mission to Peru, "driven by concerns regarding judicial and prosecutorial independence."⁶⁰ The group expressed concerns about disciplinary proceedings against prosecutors, legislative proposals to modify the justice system, and legislation that hinders the fight against corruption and organized crime.⁶¹

Two of the committees that have yet to review Peru's membership bid are the Public Governance Committee, which focuses on separation of powers, the protection and promotion of civic space, and systems for accountability of public officials, and the Environmental Policy Committee, which examines policies to ensure biodiversity conservation, enforcement of environmental laws, and stopping deforestation.⁶²

Separate from Peru's accession process, in May 2025, during the OECD Forum on Responsible Mineral Supply Chains, Colombia, an OECD member, urged member states to support a proposal to create an International Agreement on Responsible Mining Practices for

⁵⁸ Ibid.

⁵⁹ "Prime Minister Adrianzén: Peru is getting closer and closer to the goal of joining the OECD" ("Premier Adrianzén: El Perú se acerca cada vez más a la meta de adherirse a la OCDE"), Presidency of the Council of Ministers of the Republic of Peru news release, December 11, 2024, <https://www.gob.pe/institucion/pcm/noticias/1073092-premier-adrianzen-el-peru-se-acerca-cada-vez-mas-a-la-meta-de-adherirse-a-la-ocde> (accessed May 9, 2025).

⁶⁰ "Peru must enhance protection for prosecutors and judges against potential political interference, says OECD Working Group on Bribery following High-Level Mission in Lima," OECD news release, January 22, 2025, <https://www.oecd.org/en/about/news/press-releases/2025/01/peru-must-enhance-protection-for-prosecutors-and-judges-against-potential-political-interference-says-oecd-working-group-on-bribery-following-high-level-mission-in-lima.html> (accessed May 9, 2025).

⁶¹ Ibid.

⁶² OECD, Roadmap for the OECD Accession Process of Peru.

Gold and Critical Minerals.⁶³ The initiative seeks to promote traceability, transparency, and accountability throughout the entire minerals value chain—“from mining to recycling.”⁶⁴

⁶³ OECD, “2025 OECD Forum on Responsible Mineral Supply Chains,” webpage, [n.d.], <https://www.oecd.org/en/events/2025/05/oecd-forum-on-responsible-mineral-supply-chains.html> (accessed June 11, 2025).

⁶⁴ Mauricio Cabrera Leal, “Responsible Mining Can Advance Global Environmental Goals,” *Project Syndicate*, December 16, 2024, <https://www.project-syndicate.org/commentary/promoting-responsible-mining-is-key-to-meeting-climate-goals-by-mauricio-cabrera-leal-2024-12> (accessed June 11, 2025).

II. Crime in Peru

Crime is the main concern for many Peruvians and polling shows that it has consistently been among their top three concerns since mid-2023.⁶⁵ Starting in October 2024, people, unions, and businesses took to the streets in different cities in Peru to protest high crime rates, including through general strikes, demanding effective actions from the government and Congress.⁶⁶ The demonstrations, focused mostly on extortion by criminal groups, have been the first to mobilize large sectors of society since the December 2022-February 2023 protests, which were violently repressed.⁶⁷

The rise in criminal activity in Peru in recent years can be measured through various official statistics, all of which show an alarming trend affecting the rights to life, physical integrity, and security of people living in Peru.

Data published by the Peruvian National Police (PNP) shows that homicides increased almost 137 percent from 2018 to 2024, reaching 2,546 homicides in 2024.⁶⁸ The Ministry of Health, which publishes its own statistics based on death certificates, found fewer homicides per year than the PNP but a similar trend, with a 125 percent increase in

⁶⁵ Institute of Peruvian Studies (Instituto de Estudios Peruanos, IEP), *IEP Opinion Report March 2025 (Full Report) (IEP Informe de opinión de marzo 2025 (Informe completo))*, March 2025, <https://iep.org.pe/wp-content/uploads/2025/03/IEP-Informe-de-opinion-marzo-2025-informe-completo.pdf> (accessed April 8, 2025); IEP, *IEP Opinion Report June 2023 (Full Report) (IEP Informe de Opinión – Junio 2023 (Informe completo))*, June 2023, <https://iep.org.pe/wp-content/uploads/2023/06/IEP-OP-Junio-2023-Informe-completo-v2-1.pdf> (accessed April 20, 2025).

⁶⁶ Renzo Gómez Vega, “Transport workers and merchants take to the streets in Peru to put an end to the wave of extortion” (“Los transportistas y los comerciantes se echan a la calle en Perú para acabar con la ola de extorsiones”), *El País*, October 10, 2024, <https://elpais.com/america/2024-10-10/los-transportistas-y-los-comerciantes-se-echan-a-la-calle-en-peru-para-acabar-con-la-ola-de-extorsiones.html> (accessed April 15, 2025); Clara Giraldo, “Transport strike in Lima and Callao: this is how the massive protest against citizen insecurity unfolded” (“Paro de transportistas en Lima y Callao: así se desarrolló la masiva manifestación contra la inseguridad ciudadana”), *Infobae*, April 11, 2025, <https://www.infobae.com/peru/2025/04/10/paro-de-transportistas-en-vivo-lima-callao-10-de-abril-2025-ultimas-noticias-rutas-afectadas-gremios-extorsiones-pnp-fotos-videos/> (accessed April 15, 2025).

⁶⁷ Human Rights Watch interview with Jaime Antezana, drug trafficking and organized crime investigator, Lima, October 18, 2024; Human Rights Watch, *Deadly Decline: Security Force Abuses and Democratic Crisis in Peru* (New York: Human Rights Watch, 2023), <https://www.hrw.org/report/2023/04/26/deadly-decline/security-force-abuses-and-democratic-crisis-peru>.

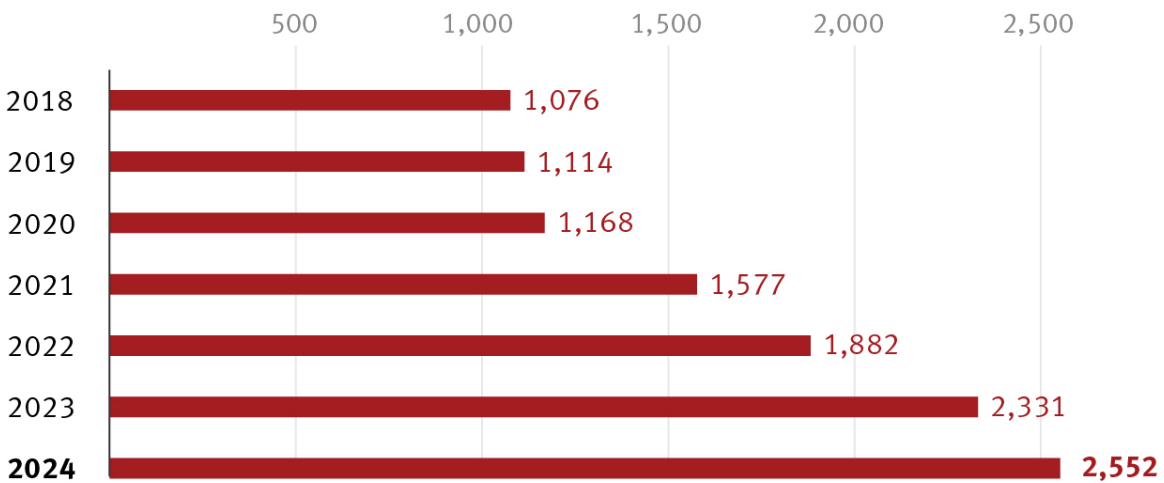
⁶⁸ Ministry of the Interior of the Republic of Peru (MININTER), *Reports registered in the Police Reporting System (SIDPOL): February 2025 (Denuncias registradas en el Sistema de Denuncias Policiales (SIDPOL): febrero 2025)*, March 5, 2025, <https://www.gob.pe/institucion/mininter/informes-publicaciones/6539903-reporte-denuncias-registradas-en-el-sidpol-2025> (accessed April 10, 2025).

homicides from 2018 to 2024.⁶⁹ While Peru’s homicide rate, with a rate of 6 homicides per 100,000 people in 2024, remains low compared to other countries in Latin America, the rate is increasing at one of the highest speeds in the region.⁷⁰

Preliminary information from the Ministry of Health in 2025 indicates that Peru could reach a new record in homicides this year, as it registered 562 homicides from January through March 2025, compared to 469 in the same period in 2024—a 20 percent increase.⁷¹

Homicides On the Rise in Peru

Total number of homicides in Peru, 2018–2024



Source: MININTER (2025). Complaints filed in the Police Complaint System (SIDPOL - PNP) 2025. Ministry of the Interior of Peru.

⁶⁹ Ministry of Health of the Republic of Peru (MINSA), Unique National Health Information Repository (Repositorio Único Nacional de Información en Salud, REUNIS), Registered Deaths (Defunciones registradas), <https://www.minsa.gob.pe/reunis/index.asp?op=1&niv=1&tbl=1> (accessed April 10, 2025).

⁷⁰ Marina Cavalari, Juliana Manjarrés and Christopher Newton, “InSight Crime’s 2024 Homicide Round-Up,” *InSight Crime*, February 26, 2025, <https://insightcrime.org/news/insight-crime-2024-homicide-round-up/> (accessed on April 10, 2025); Parker Asmann and Eimhin O’Reilly, “InSight Crime’s 2019 Homicide Round-Up,” *InSight Crime*, January 28, 2020, <https://insightcrime.org/news/insight-crime-2019-homicide-round-up/> (accessed on April 10, 2025).

⁷¹ Ibid.

In December, the police reported that more than half of the homicides committed in 2024 up to that point—1,125 of 2,126—were carried out by hitmen (“sicariato” in Spanish), an indication that many were carried out by organized crime groups.⁷²

The number of homicides in Peru varies among departments. The department of Lima, which includes the capital city, had the highest number of homicides in 2024, with 856 according to the Ministry of Health.⁷³ The department of Madre de Dios had the highest murder rate, with 20 homicides per 100,000 inhabitants, followed by Tumbes (14.6 per 100,000), La Libertad (13 per 100,000), Callao (11 per 100,000), and Ica (7.9 per 100,000).⁷⁴ Lima followed with 7.6 homicides per 100,000 inhabitants.⁷⁵

Criminal complaints for extortion, which Peru’s Criminal Code defines as using violence or threats to force someone to provide an undue economic or other advantage,⁷⁶ increased by 370 percent from 2021 to 2023, and then decreased slightly from that peak in 2024.⁷⁷ Preliminary data from January through March 2025 shows that criminal extortion complaints have increased this year compared to the same periods in 2023 and 2024, with 2,656 criminal complaints.⁷⁸ These figures almost certainly understate the scale of the problem, because many cases go unreported due to distrust in the police or the belief that there will be no effective response from state institutions.⁷⁹

⁷² Peru’s National Police (PNP), post to Facebook, December 27, 2024, <https://www.facebook.com/share/p/1HjirGXPxi/> (accessed on April 10, 2025).

⁷³ MINSa, REUNIS.

⁷⁴ MINSa, REUNIS; INEI, *The Situation of the Peruvian Population 2024: A look at ethnic diversity (Situación de la Población Peruana 2024: Una mirada de la diversidad étnica)* (Lima: INEI, 2024), <https://cdn.www.gob.pe/uploads/document/file/6616587/5751291-situacion-de-la-poblacion-peruana-2024-una-mirada-de-la-diversidad-etnica.pdf?v=1720728622> (accessed April 21, 2025), p. 16.

⁷⁵ Ibid.

⁷⁶ Republic of Peru, Criminal Code (Código Penal), Legislative Decree No. 635, promulgated April 3, 1991, Crimes (Book II), Crimes against property (Title V), Extorsion (Chapter VII), <https://lpderecho.pe/codigo-penal-peruano-actualizado/> (accessed April 11, 2025), arts. 200 and 201.

⁷⁷ MININTER, *SIDPOL: February 2025*.

⁷⁸ Juan Carbajal (@juank23_7), post to X, April 9, 2025, https://x.com/juank23_7/status/1909972302973874270 (accessed April 11, 2025).

⁷⁹ Human Rights Watch interviews with Yolanda Goicochea and Sergio Verde, journalists from La República specialized in crime, Trujillo, La Libertad, October 21, 2024, and Paul Acevedo, director of Investiga.pe, Trujillo, La Libertad, October 21, 2024; Steffano Trinidad, “Wave of extortion: ‘Citizens no longer report crimes because they have lost trust in institutions’” (“Ola de extorsiones: ‘La ciudadanía ya no denuncia pues ha perdido la confianza en las instituciones’”), Pontificia Universidad Católica del Perú - PuntoEdu, September 26, 2024, <https://puntoedu.pucp.edu.pe/coyuntura/ola-de-extorsiones-la-ciudadania-ya-no-denuncia-pues-ha-perdido-la-confianza-en-las-instituciones/> (accessed April 11, 2025).

Extortion has also expanded geographically. Peruvian historians say that its “birthplace” in Peru was Trujillo, in La Libertad, where extortion first appeared in the 1990s.⁸⁰ In the late 2000s, La Libertad was the only region in Peru where extortion was a significant problem.⁸¹ Now it affects all departments of Peru, with the highest rates in the coastal departments of Lima, La Libertad, Piura, and Lambayeque.⁸²

Crime groups periodically extort transport workers, bus drivers, and moto taxi drivers, and in some cases use hitmen to kill those who refuse to pay.⁸³ Officials told Human Rights Watch that criminal groups typically use a phone number to message or call people, threatening to attack or kidnap the person or a loved one, and asking for a recurrent fee.⁸⁴ In some cases documented by Human Rights Watch, they send photos to the victim to intimidate them.⁸⁵

Illegal Mining

Mining has historically been one of Peru’s most important economic sectors, holding a prominent position worldwide. Peru’s mining industry, which includes copper, gold, zinc, lead, and iron, among other minerals, represented 65 percent of the value of Peru’s total exports in 2024.⁸⁶

The gold mining industry, second only to copper in export value in 2024, more than doubled its export value from 2016 to 2024, increasing from nearly US\$7.5 billion to \$15.5

⁸⁰ Human Rights Watch online interview with Trujillo’s historian Jorge Nureña, October 8, 2024.

⁸¹ Ibid.

⁸² MININTER, *Reports registered in the Police Reporting System (SIDPOL): December 2024 (Denuncias registradas en el Sistema de Denuncias Policiales (SIDPOL): diciembre 2024)*, January 2, 2025, <https://cdn.www.gob.pe/uploads/document/file/7732697/6539974-reporte-denuncias-registradas-en-el-sidpol-diciembre-2024.pdf> (accessed April 15, 2025).

⁸³ Human Rights Watch interview with Jaime Antezana, October 18, 2024.

⁸⁴ Human Rights Watch interview with Roger Torres Mendoza, former colonel of the PNP and current security secretary in the Victor Larco district, Trujillo, October 21, 2024.

⁸⁵ Human Rights Watch interview with a tourism bus driver and a restaurant waiter, Trujillo, October 20 and 21, 2024. Their names are withheld for security reasons.

⁸⁶ Central Reserve Bank of Peru, “Chart 100: Exports by product group (FOB values in millions of USD)” (“Cuadro 100: Exportaciones por grupo de productos (Valores FOB en millones de USD)”), June 12, 2025, <https://www.bcrp.gob.pe/estadisticas/cuadros-de-la-nota-semanal.html> (accessed April 16, 2025).

billion,⁸⁷ driven by a surge in the international price of gold.⁸⁸ Gold is mined both through large-scale and mid-scale industrial operations, as well as through artisanal and small-scale operations that rely on little to no machinery and are often informal. Almost a third of Peru’s gold exports in 2024 went to India, followed by Canada (22.4 percent), Switzerland (18.3 percent), the United Arab Emirates (14 percent), and China (6.5 percent).⁸⁹

The Peruvian Institute of Economics, a national economic research center, has estimated that illegal mining, most of it resulting from small-scale mining operations, accounted for roughly half—more than \$6.8 billion—of the gold export value in 2024.⁹⁰ Peru’s Financial Intelligence Unit identified that, between January 2015 and February 2025, illegal mining represented the largest predicate offense to money laundering, with nearly \$6.3 billion out of a total of approximately \$11.5 billion in detected illicit transactions—55 percent of the total.⁹¹

Artisanal and small-scale mining can be an important source of income for many low-income people, but also carries significant environmental, health, and labor rights risks. Since 2012, the Peruvian government has launched several initiatives, including, most recently, in 2016, to incorporate illegal and informal miners into the legal mining economy, a process known as “formalization.”⁹² Peru’s legal framework defines illegal mining as any mining activity conducted without state authorization, outside the formalization process,

⁸⁷ Central Reserve Bank of Peru, “Chart 103: Exports by economic activity group (FOB values in millions of USD) – Mining – Gold” (“Cuadro 103: Exportaciones por grupo de actividad económica (Valores FOB en millones de USD) – Minería – Oro”), June 12, 2025, <https://estadisticas.bcrp.gob.pe/estadisticas/series/ anuales/resultados/PM40201BA/html> (accessed April 16, 2025).

⁸⁸ “Will gold prices break \$4,000/oz in 2026?,” J.P. Morgan, June 10, 2025, <https://www.jpmorgan.com/insights/global-research/commodities/gold-prices> (accessed April 16, 2025).

⁸⁹ Ministry of Energy and Mines of the Republic of Peru (MINEM), “Mining Statistical Bulletin: Edition No. 01-2025” (“Boletín Estadístico Minero: Edición No. 01-2025”), March 12, 2025, <https://cdn.www.gob.pe/uploads/document/file/7798226/6583021-bem-ene-2025.pdf> (accessed April 17, 2025).

⁹⁰ Instituto Peruano de Economía (Peruvian Institute of Economics), “Illegal gold: exports expected to grow by 41% this year” (“Oro ilegal: exportaciones crecerían 41% este año”), November 3, 2024, <https://ipe.org.pe/oro-ilegal-exportaciones-crecerian-41-este-ano/> (accessed April 16, 2025).

⁹¹ Superintendency of Banking, Insurance and Pension Fund Administrators (Superintendencia de Banca, Seguros y AFP), “Statistical Information from Peru’s Financial Intelligence Unit” (“Información Estadística de la Unidad de Inteligencia Financiera del Perú”), Bulletin January 2015 to February 2025, <https://www.sbs.gob.pe/Portals/5/jer/ESTADISTICAS-OPERATIVAS/2024/Boletin%20UIF%20-%20feb%202025.pdf> (accessed April 15, 2025).

⁹² Human Rights Watch interview with staff from the Peruvian Society for Environmental Law (Sociedad Peruana de Derecho Ambiental, SPDA), in Puerto Maldonado, September 5, 2023.

or carried out in prohibited areas, such as rivers.⁹³ This contrasts with informal mining, which includes applicants under the formalization process.⁹⁴

As of November 2023, less than 2,000 miners had successfully been formalized under the current formalization process established in 2016.⁹⁵ Almost 90,000 others were registered as applicants under the process, but more than 80 percent of them had their processes suspended because they did not comply with the requirements needed to advance in formalization, such as having a tax number or presenting a plan to reduce mining's environmental impact.⁹⁶

The Peruvian Amazon, which includes six departments in the west of the country, and borders with Ecuador, Colombia, Brazil, and Bolivia, is one of the areas most affected by illegal mining.⁹⁷ In Puerto Maldonado, the capital of the Madre de Dios department, a high-ranking prosecutor told Human Rights Watch that “the number of hectares affected by illegal mining continues to rise year after year, with no reaction from the state, bringing related crimes such as trafficking, rape, and homicide to these areas.”⁹⁸

Illegal mining has a disastrous impact on the environment and public health in Peru. Most of the gold mining in Madre de Dios is conducted on the edge of rivers, in violation of Peruvian law, and involves the use of mercury, which contaminates the water, fish, and people.⁹⁹ Mercury is used in artisanal mining to extract gold particles from the ore because it is

⁹³ Presidency of the Council of Ministers of the Republic of Peru, Legislative Decree No. 1451, issued on September 16, 2018, <https://www.gob.pe/institucion/pcm/normas-legales/1061673-1451>, art. 34 (accessed April 16, 2025).

⁹⁴ Ibid.

⁹⁵ MINEM, “The Process of Comprehensive Mining Formalization in Peru” (“El Proceso de Formalización Minera Integral en Perú”), November 2023, https://www.cepal.org/sites/default/files/events/files/3.-_peru.pdf (accessed April 17, 2025), pp. 20 and 21.

⁹⁶ Ibid.; Human Rights Watch online interview with Pablo de la Flor, corporate affairs manager of La Poderosa mine, September 25, 2024.

⁹⁷ Foundation for Conservation and Sustainable Development (Fundación para la Conservación y el Desarrollo Sustentable, FCDS), *Illegal Mining in the Peruvian Amazon: Report on Mining Activities in the Amazonian Regions of Loreto, San Martín, Amazonas, Ucayali, Madre de Dios, and Huánuco (Minería ilegal en la Amazonía peruana: Informe sobre las actividades mineras en las regiones amazónicas de Loreto, San Martín, Amazonas, Ucayali, Madre de Dios y Huánuco)* (Lima: FCDS, 2024), https://fcds.org.pe/wp-content/uploads/2024/07/MINERIA_FINAL_IMPRESION_compressed.pdf (accessed April 16, 2025).

⁹⁸ Human Rights Watch interview with Pedro Washington Luza Chullo, president of the board of senior prosecutors at the Attorney General's Office in Madre de Dios, Puerto Maldonado, September 4, 2023.

⁹⁹ FCDS, *Illegal Mining in the Peruvian Amazon*.

relatively cheap and easy to use; however, it is also highly toxic.¹⁰⁰ A government authority from the Madre de Dios department told Human Rights Watch that mercury appears to be affecting children’s ability to learn in school, a typical symptom of mercury poisoning.¹⁰¹ An Indigenous leader from a community on the edge of the Madre de Dios River said that, due to mercury contamination, his community no longer fishes from the river.¹⁰²

Mining also leads to deforestation. Amazon Conservation, an alliance of environmental organizations, documented through its Monitoring of the Andes Amazon Program (MAAP) that from January 2021 to March 2024, more than 30,000 hectares of forest were lost due to mining activities in Madre de Dios, equivalent to over 40,000 soccer fields.¹⁰³

Criminal activities in the Amazon also have deadly consequences for those defending the environment and their communities. The Ombudsperson’s Office reported that 19 human rights defenders were killed between 2020 and 2023, with almost half of these deaths occurring in the Peruvian Amazon.¹⁰⁴ Additionally, the Ombudsperson’s Office documented 117 cases of physical attacks, threats, and other vulnerabilities against human rights defenders during this period.¹⁰⁵ Of these cases, 104 were targeted against those defending the environment or indigenous rights and 72 were linked to illegal activities as the primary cause of the attacks, of which 48 were related to illegal mining.¹⁰⁶

¹⁰⁰ World Health Organization (WHO), “Mercury,” Fact Sheet, October 24, 2024, <https://www.who.int/news-room/fact-sheets/detail/mercury-and-health> (accessed May 30, 2025). Peru is a party to the Minamata Convention on Mercury, which requires states to take steps to reduce, and where feasible eliminate, the use of mercury in gold mining; Minamata Convention on Mercury, *Minamata Convention on Mercury: text and annexes*, 2024, https://minamataconvention.org/sites/default/files/documents/information_document/Minamata-Convention-booklet-Oct2024-EN.pdf (accessed May 30, 2025).

¹⁰¹ Human Rights Watch interview with Luis Alberto Rodríguez Mamani, September 5, 2023.

¹⁰² Human Rights Watch interview with the Indigenous leader of a community in Madre de Dios, who requested anonymity for security reasons, September 4, 2023.

¹⁰³ Amazon Conservation, Monitoring of the Andes Amazon Program (MAAP), “MAAP #208: Gold mining in the southern Peruvian Amazon, summary 2021-2024,” May 8, 2024, <https://www.maaprogram.org/maap-208-gold-mining-in-the-southern-peruvian-amazon-summary-2021-2024/> (accessed April 16, 2025).

¹⁰⁴ Office of the Ombudsperson of Peru, *Report on cases monitored by the Ombudsperson’s Office regarding the situation of human rights defenders in Peru (Reporte de casos conocidos por la Defensoría del Pueblo sobre la situación de las personas defensoras de derechos humanos en el Perú)*, January 2025, <https://www.defensoria.gob.pe/wp-content/uploads/2025/02/Reporte-PDDH-2023-.pdf> (accessed April 17, 2025), p. 6.

¹⁰⁵ *Ibid.*, p. 7.

¹⁰⁶ *Ibid.*, pp. 8 and 12.

Manuel (pseudonym) is the leader of an Indigenous community located on the edge of the Madre de Dios River, three hours by boat from the department’s capital, Puerto Maldonado.¹⁰⁷ In June 2020 he discovered a group of miners had established themselves on his community’s land, by the river, to dredge for gold. He asked them to leave, but they offered him money, which he refused to take. Manuel took photos and videos of the miners, he said.

In September 2020, while navigating the river by boat, the miners intercepted Manuel and 17 members of his community, Manuel said. They punched them and threatened to kill them. Manuel managed to escape and alert the police, who apprehended the miners the following day but released them two days later. Three years later, neither the police nor the Attorney General’s Office had contacted him about the investigation, he said. The miners have continued their operations along the river, and Manuel and his community continue to live in fear for their lives. “For us it is better not to say anything because we can get killed,” Manuel told Human Rights Watch.

Corruption has allowed organized crime to expand. An official in the Ombudsperson’s Office in Puerto Maldonado told Human Rights Watch that illegal miners pay members of the armed forces and police so that they will not destroy their mining equipment.¹⁰⁸ In some cases, members of the security forces even own the equipment the illegal miners used, he said.

In Pucallpa, an anti-corruption prosecutor said that the police do not cooperate with corruption investigations that involve allegations of police misconduct. He said many police units act with impunity: “They operate in very remote areas, no one sees them, so they can do whatever they want.”¹⁰⁹ According to the local environmental organization Peruvian Society for Environmental Law (SPDA), very few investigations have been carried

¹⁰⁷ Human Rights Watch interview with the Indigenous leader of a community in Madre de Dios, who requested anonymity for security reasons, September 4, 2023.

¹⁰⁸ Human Rights Watch interview with Guimo Nemesio Loaiza Muñoz, head of the Ombudsperson’s Office in Madre de Dios, Puerto Maldonado, September 5, 2023.

¹⁰⁹ Human Rights Watch interview with Fredy Nuñez, anti-corruption prosecutor in the Attorney General’s Office, Pucallpa, September 7, 2023.

out and even fewer convictions have been achieved on the involvement of public officials in organized crime in the Peruvian Amazon.¹¹⁰

Criminal Groups

The organized crime landscape in Peru is highly fragmented, with hundreds of criminal organizations that often fight each other and make temporary alliances.¹¹¹

In Trujillo, for example, more than 40 criminal groups are present, according to police officers interviewed by Human Rights Watch.¹¹² The largest is Los Pulpos, a family clan created in poor Trujillo neighborhoods in the 1990s that controls large parts of the city's extortion racket and has expanded its presence to other regions of Peru and even to Santiago, the capital of Chile.¹¹³ Los Pulpos have also become involved in illegal gold mining in Pataz, a province of La Libertad close to Trujillo in the Sierra, where mining is carried out in underground pits.¹¹⁴ Organized crime groups have increasingly used threats of detonating mining explosives to extort money from people, according to a government official in Trujillo.¹¹⁵

Some local criminal groups also have connections with transnational organized crime groups. For example, prosecutors told Human Rights Watch that Brazilian criminal groups are involved in illegal mining in Madre de Dios and in the neighboring department of Ucayali.¹¹⁶ These criminal groups, previously dedicated to drug trafficking, expanded into mining as a way to launder money obtained from drug trafficking and create new sources of income, according to prosecutors.¹¹⁷ Investigations by the International Crisis Group and

¹¹⁰ Human Rights Watch interview with staff from SPDA, September 5, 2023.

¹¹¹ Human Rights Watch online interviews with Carlos Basombrío, July 24, 2024, and Rubén Vargas, former Minister of the Interior, September 26, 2024; Gavin Voss, "The Criminal Creep of Ecuador's Gangs Into Peru," *InSight Crime*, February 25, 2025, <https://insightcrime.org/news/the-criminal-creep-of-ecuadors-gangs-into-peru/> (accessed June 9, 2025).

¹¹² Human Rights Watch interview with a colonel and two research officers from the PNP in Trujillo, October 20, 2024, who requested anonymity due to possible retaliation within the police.

¹¹³ Fiscalía Nacional (@FiscaliadeChile), post to X, December 28, 2023, <https://x.com/FiscaliadeChile/status/1740432963706269958> (accessed April 15, 2025).

¹¹⁴ Human Rights Watch online interviews with Pablo de la Flor, September 25, 2024, and a colonel and two research officers from the PNP, October 20, 2024.

¹¹⁵ Human Rights Watch interview with Roger Torres Mendoza, October 21, 2024.

¹¹⁶ Human Rights Watch interviews with Pedro Washington Luza Chullo, September 4, 2023, and prosecutor Yovana Churata, coordinator of the unit on environmental crimes in Madre de Dios, Puerto Maldonado, September 5, 2023, and Alexander Fasanando, coordinator of the human rights unit in Ucayali, in Pucallpa, September 8, 2023.

¹¹⁷ *Ibid.*

the local news outlet Ojo Público documented the presence of Brazilian and Colombian criminal groups, including Comando Vermelho, Primeiro Comando da Capital, and Frente Carolina Ramírez, in lands and towns in the Peruvian Amazon near borders, particularly in the north of the country.¹¹⁸

Peruvian authorities have often blamed Tren de Aragua, a Venezuelan criminal group, for the increase in violence in Peru.¹¹⁹ This follows a trend that has seen other governments in the Western Hemisphere, including the United States, point to Venezuelan migrants as responsible for violence, often without providing evidence and in an effort to promote restrictive or abusive migration policies or to deflect the attention from authorities' own failure to address increased crime.

The presence of Tren de Aragua in Peru is disputed. An organized crime prosecutor interviewed by Human Rights Watch said that a branch of the group is operating in Peru.¹²⁰ However, experts told Human Rights Watch that some people use the Tren de Aragua “brand” to intimidate victims, even if they have no real connection to Tren de Aragua leadership in Venezuela.¹²¹

¹¹⁸ International Crisis Group, “A Three Border Problem: Holding Back the Amazon’s Criminal Frontiers,” Latin America Briefing No. 51, July 17, 2024, <https://www.crisisgroup.org/latin-america-caribbean/south-america/brazil-colombia-peru/b51-three-border-problem> (accessed April 17, 2025); Rodrigo Pedrosa, “Organized crime goes international: links to illegal mining in Brazil, Colombia and Peru,” *Ojo Público*, April 14, 2024, <https://ojo-publico.com/5059/organized-crime-groups-behind-new-amazon-illegal-mining-enclaves> (accessed April 17, 2025); Aramis Castro, Jonathan Hurtado, Talita Bedinelli, Natalia Arbelaez, “Narco-territory: cocaine trafficking dominates more than 70% of Amazonian borders,” *Ojo Público*, April 6, 2025, <https://ojo-publico.com/5581/narco-territory-70-amazonian-borders> (accessed April 17, 2025).

¹¹⁹ “Dina Boluarte seeks to have the Tren de Aragua declared an international terrorist organization” (“Dina Boluarte busca que el Tren de Aragua sea declarado terrorista internacional”), *El Comercio*, April 10, 2025, <https://www.elcomercio.com/actualidad/mundo/boluarte-tren-aragua-terrorista-internacional/> (accessed June 18, 2025).

¹²⁰ Human Rights Watch interview with Jorge Chávez Cotrina, then-national coordinator of the Attorney General’s Office against organized crime, Lima, May 2, 2024.

¹²¹ Human Rights Watch online interviews with Jaime Antezana and organized crime expert Dante Vera, October 1, 2024.

III. Obstacles in the Fight Against Crime

The rapid deterioration of the security situation in Peru has been accompanied by an accelerated erosion of the state's capacity to combat crime. Members of Congress, many of whom themselves are under criminal investigation, have created conditions that allow organized crime groups to thrive, including by weakening government institutions. The fragile Boluarte administration has largely permitted Congress to do so and, for its part, has implemented an at best inefficient and disjointed strategy to combat rising crime.

The Role of Congress

Laws Undermining the Work of Judges and Prosecutors

Peruvian lawmakers have recently issued laws, sometimes with an eye to their own personal interests, that directly affect the fight against crime in Peru, making it harder for prosecutors and judges to investigate and punish organized crime and the corrupt officials who enable it. In particular:

- In **May 2023**, Congress shortened the statute of limitations in criminal cases.¹²² Prior to the reform, the initiation of a criminal indictment suspended (or tolled) the statute of limitations until the case went to trial. The 2023 change set a limit on this, allowing the statute of limitations to be suspended for a maximum of one year. Congress cited legislation in Colombia, Chile and Uruguay to justify the change, but the legislation in those countries establishes a much longer period for tolling statutes of limitations or do not limit this at all.¹²³ A high-level anti-corruption prosecutor explained to Human Rights Watch that, in practice, the change means prosecutors have less time to prepare corruption cases, which are often complex and involve considerable preparation, after they indict defendants.¹²⁴ The president of Congress at the time the law was approved

¹²² Peru's Official Gazette, Law No. 31751, published on May 25, 2023, <https://busquedas.elperuano.pe/dispositivo/NL/2181041-1> (accessed April 22, 2025).

¹²³ Congress of the Republic of Peru, Report from the Justice and Human Rights Committee on Bill No. 3991/2022-CR, March 13, 2023, <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/MTIoMTco/pdf> (accessed June 12, 2025), pp. 3-5.

¹²⁴ Human Rights Watch interview with anti-corruption prosecutor José Domingo Pérez, Lima, April 26, 2024.

successfully invoked it to have a criminal case against him, regarding alleged fraud against a transportation company, dismissed.¹²⁵

- In **June 2023**, Congress amended Peru’s so-called Efficient Collaboration Law, which had played a key role in investigating corruption and organized crime, including against former president Alberto Fujimori and in the Lava Jato case, an international corruption scheme involving public officials and businesspeople.¹²⁶ The “efficient collaboration” regime allows prosecutors to reduce sentences and offer other benefits for cooperating defendants in exchange for credible information. The changes drastically shortened the period prosecutors have to corroborate the testimony of those who collaborate, required that their testimonies be filmed, and established that the prosecutor may face prosecution if the testimonies are leaked.¹²⁷ In a rare move, President Boluarte vetoed the amendment but Congress overturned the veto in December 2023.¹²⁸

The coordinator of a special anti-corruption unit told Human Rights Watch that the changes “render efficient collaboration useless.”¹²⁹ She said that prosecutors, many of whom have a large caseload, will almost certainly be unable to meet the short deadline to corroborate testimony. She also said the prospect of recordings intimidates potential collaborators, and prosecutors are now afraid to use the tool because of the risk of punishment if a leak occurs. The shorter deadline especially impacts cases of transnational organized crime, which usually take more time as

¹²⁵ “Alejandro Soto claims he did not know his lawyer was going to file an appeal to invoke the statute of limitations” (“Alejandro Soto afirma que no sabía que su abogado iba presentar un recurso para acogerse a la prescripción”), *El Comercio*, November 20, 2023, <https://elcomercio.pe/lima/sucesos/congreso-alejandro-soto-afirma-que-no-sabia-que-su-abogado-iba-presentar-un-recurso-para-acogerse-a-la-prescripcion-en-caso-por-presunta-estafa-parlamento-cusco-ley-soto-ultimas-noticia/> (accessed April 22, 2025).

¹²⁶ Dario Rodríguez Uriol, “Effective Collaboration in Peru: Implementation, Operation, and Prospects” (“Colaboración Eficaz en el Perú: implementación, funcionamiento y perspectivas”), *Enfoque Derecho*, March 3, 2017, <https://enfoquederecho.com/colaboracion-eficaz-en-el-peru-implementacion-funcionamiento-y-perspectivas/> (accessed June 12, 2025); Human Rights Watch interview with staff from the ad-hoc State Attorney General’s Office on Lava Jato, Lima, May 2, 2024.

¹²⁷ Peru’s Official Gazette, Law No. 31990, published on March 21, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2272588-1> (accessed April 22, 2025).

¹²⁸ Congress of the Republic of Peru, Veto from President Dina Boluarte of the amendments to the Efficient Collaboration Law, July 21, 2023, <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/MTixMjU2/pdf> (accessed April 22, 2025); Congress of the Republic of Peru, Voting record on the insistence to pass the amendments to the Efficient Collaboration Law, December 14, 2023, <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/MTczMDcz/pdf> (accessed April 22, 2025).

¹²⁹ Human Rights Watch interview with anti-corruption prosecutor Marita Barreto, Lima, May 2, 2024.

information must be requested from foreign authorities, a prosecutor working on organized crime told Human Rights Watch.¹³⁰

- In **May 2024**, Congress amended the Criminal Code to exclude political parties from criminal liability.¹³¹ Previously, judges were allowed to fine or order the dissolution of political parties when sentencing party members for crimes committed through their parties. Lawmakers said that the reform tried to “strengthen the public image [of political parties] and prevent instability.”¹³² The change effectively ended the prosecution of political parties under investigation for money laundering and illicit campaign funding, including in connection with Keiko Fujimori’s 2021 presidential campaign.¹³³
- In **July 2024**, Congress narrowed the definition of “organized crime,” making it harder for prosecutors to investigate related offenses, and rendering investigative searches largely ineffective by requiring that the lawyer of the person under investigation be present at any search.¹³⁴ Congress changed course somewhat in October 2024, reintroducing some offenses and establishing that a search can be conducted without the presence of a lawyer, but it kept many corruption offenses out of the definition of organized crime and mandated that a public defender be present at any investigative search.¹³⁵

A police colonel told Human Rights Watch that the changes to investigative searches “denaturalize the search, removing the element of surprise and allowing the person to destroy evidence.”¹³⁶ The head of prosecutors in La Libertad said that the changes make the collection of evidence harder.¹³⁷

¹³⁰ Human Rights Watch interview with Jorge Chávez Cotrina, May 2, 2024.

¹³¹ Peru’s Official Gazette, Law No. 32054, published on June 10, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2296582-1> (accessed April 22, 2025).

¹³² Congress of the Republic of Peru, Supporting Report from the Justice and Human Rights Committee on Bill No. 6084/2023-CR, April 15, 2024, <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/MTc2MzEw/pdf> (accessed June 12, 2025), p. 6.

¹³³ Human Rights Watch interview with José Domingo Pérez, April 26, 2024.

¹³⁴ Peru’s Official Gazette, Law No. 32108, published on August 9, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2313835-2> (accessed April 22, 2025).

¹³⁵ Peru’s Official Gazette, Law No. 32138, published on October 19, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2336227-1> (accessed April 22, 2025).

¹³⁶ Human Rights Watch interview with a colonel and two research officers from the Peruvian National Police (PNP), October 20, 2024.

¹³⁷ Human Rights Watch interview with Guayan Huaccha, president of the board of prosecutors in La Libertad department, Trujillo, October 21, 2024.

- In **September 2024**, Congress passed a law that places the preliminary investigation of crimes in the hands of the police, taking functions away from the Attorney General’s Office.¹³⁸ According to the congressional report that supported the law, prosecutorial control over investigations “limits police action, making their involvement subject to the prosecutor’s discretion—and, in some cases, excluding it entirely.”¹³⁹ But security experts are concerned that because the police reports to the Ministry of the Interior, officers may delay or otherwise undermine investigations against government officials accused of corruption.¹⁴⁰ Peruvian prosecutors and associations of lawyers have also warned that the change will undermine the efficiency and speed of investigations.¹⁴¹
- In **April 2025**, Congress modified the law on asset forfeiture, establishing that prosecutors may seize assets only following a final criminal conviction.¹⁴² A group of judges, prosecutors, and other officials said in a joint statement that the change “weakens an essential legal tool that has proven to be effective in recovering illicit assets and depriving criminal organizations of the resources that fuel their criminal strategies.”¹⁴³ President Boluarte signed it into law in May 2025.¹⁴⁴

The Basel Institute on Governance, an anti-corruption think tank, said that Peru’s asset forfeiture law was previously “based on a common Latin American model introduced by the United Nations Office on Drugs and Crime (UNODC)” and was aligned with international standards that “now make non-conviction based

¹³⁸ Peru’s Official Gazette, Law No. 32130, published on October 10, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2332876-1> (accessed April 22, 2025).

¹³⁹ Congress of the Republic of Peru, Report from the Justice and Human Rights Committee on Bills No. 819/2021-CR, No. 1552/2021-CR, No. 1775/2021-CR, No. 4660/2022-CR, No. 5396/2022-CR, No. 5944/2023-CR, No. 6498/2023-CR, No. 6574/2023-CR, No. 7175/2023-CR, and No. 7204/2023-CR, June 10, 2024, <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/MTkoNTk4/pdf> (accessed June 12, 2025), p. 19.

¹⁴⁰ Human Rights Watch online interview with security expert Ricardo Valdés, October 3, 2024.

¹⁴¹ Ministerio Público (@FiscaliaPeru), post to X, September 11, 2024, <https://x.com/FiscaliaPeru/status/18339513222153204> (accessed April 22, 2025); Colegio de Abogados de Lima (@CALPERUOFICIAL), post to X, September 6, 2024, <https://x.com/CALPERUOFICIAL/status/1831900982445269166> (accessed April 22, 2025).

¹⁴² Congress of the Republic of Peru, Bill No. 03577/2022-CR, presented on November 17, 2022, <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/3577> (accessed April 23, 2025).

¹⁴³ Poder Judicial Perú (@Poder_Judicial), post to X, April 11, 2025, https://x.com/Poder_Judicial_/status/1910796047401762974 (accessed April 23, 2025).

¹⁴⁴ Peru’s Official Gazette, Law No. 32326, published on May 9, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2397811-5> (accessed May 12, 2025).

forfeiture legislation mandatory.”¹⁴⁵ While acknowledging some instances of abuse and overreach using the asset forfeiture law, the Institute argued that these could be addressed with accountability, guidance or modest reform—and lamented that they had instead become a pretext for attacking a vital tool in the fight against corruption.¹⁴⁶ While judicial safeguards are necessary to prevent abuse in asset forfeiture, requiring a final criminal conviction sets the bar excessively high and undermines the law’s effectiveness.

While Congress has taken several steps to weaken mechanisms to investigate organized crime, it has passed legislation that many Peruvians describe as “punitive populism”—that is, decisions that expand criminal punishment for violent crimes, often undermining due process and other guarantees, with little reason to believe the measures will improve public safety.

For example, in November 2024, Congress lowered the age of criminal responsibility for aggravated homicide, extortion, kidnapping, rape, and other serious offenses from 18 to 16. The UN Committee on the Rights of the Child, the authoritative body on the Convention on the Rights of the Child, which Peru ratified in 1990, has urged states “not to reduce the minimum age of criminal responsibility under any circumstances,” based on the principle of non-regression of children’s rights as established by the Convention.¹⁴⁷

The same month, Congress passed a law to “speed up” the deportation of foreigners who fail to identify themselves when they are stopped by the police or any other authority. The law, which Congress described as a measure to expel criminals, requires that the deportation be carried out in 24 hours—a timeline that likely undermines due process guarantees.¹⁴⁸

¹⁴⁵ Oscar Solorzano, “Dismantling Peru’s most successful asset recovery law is a step backwards for the country—and justice,” Basel Institute on Governance, May 5, 2025, <https://baselgovernance.org/blog/dismantling-perus-most-successful-asset-recovery-law-step-backwards-country-and-justice> (accessed June 11, 2025).

¹⁴⁶ Ibid.

¹⁴⁷ United Nations Human Rights Treaty Bodies, Ratification Status for CRC - Convention on the Rights of the Child, Peru, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en (accessed May 29, 2025); UN Committee on the Rights of the Child, General Comment No. 24 (2019) on children’s rights in the child justice system, UN Doc. CRC/C/GC/24 (2019), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/24&Lang=en (accessed May 29, 2025), para. 22.

¹⁴⁸ Peru’s Official Gazette, Law No. 32192, published on December 15, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2354079-1> (accessed April 23, 2025).

Undermining Checks and Balances

Members of Congress have also taken steps to undermine the independence of key government institutions, in an apparent effort to undermine scrutiny of and accountability for the actions of Congress and its members.

In 2022, Congress conducted a non-transparent process to appoint six of the seven members of the Constitutional Tribunal, Peru's highest tribunal.¹⁴⁹ A group of international experts monitoring the process found that lawmakers used inconsistent criteria to evaluate candidates.¹⁵⁰ The congressional committee leading the selection process had presented Congress with six candidates for six vacancies, preventing the full legislature from making a genuine selection.¹⁵¹ The tribunal has since made some widely-criticized decisions. In 2023, it issued a ruling that limits judicial oversight over Congress' decisions in a case brought by lawmakers against a series of lower court rulings.¹⁵² Also in 2023, the Constitutional Tribunal ordered the release of former President Alberto Fujimori (1990-2000), who was serving a 25-year sentence for his role in extrajudicial killings, abductions, enforced disappearances, and corruption.¹⁵³ His release violated orders from the Inter-American Court of Human Rights.¹⁵⁴

In 2023, Congress appointed a former congressman with no human rights experience as ombudsperson.¹⁵⁵ The Ombudsperson's Office, a constitutionally autonomous body, has been a key actor in the defense of human rights in Peru since its establishment in 1993, denouncing abuses by various branches of government. The office had repeatedly

¹⁴⁹ Human Rights Watch, *Deadly Decline: Security Force Abuses and Democratic Crisis in Peru* (New York: Human Rights Watch, 2023), <https://www.hrw.org/report/2023/04/26/deadly-decline/security-force-abuses-and-democratic-crisis-peru>, p. 94; Congress of the Republic of Peru, Resolutions No. 010-2021-2022-CR to No. 015-2021-2022-CR, published in Peru's Official Gazette on May 12, 2022, <https://busquedas.elperuano.pe/cuadernillo/NL/20220512> (accessed April 24, 2025).

¹⁵⁰ Independent Panel for the Election of Judges to the Constitutional Court of Peru (Panel de Expertos Independientes para la Elección de Magistradas y Magistrados del Tribunal Constitucional del Perú), *Final Report (Informe Final)*, June 30, 2022, <https://dplf.org/informe-final-del-panel-independiente-para-la-eleccion-de-magistrados-y-magistradas-al-tribunal-constitucional-del-peru/> (accessed April 30, 2025), sec. 2.1c.

¹⁵¹ "Congress appoints new Constitutional Court judges" ("Congreso define nuevos magistrados del Tribunal Constitucional"), *Gestión*, May 10, 2022, <https://gestion.pe/peru/politica/congreso-define-nuevos-magistrados-del-tc-este-martes-rmmn-noticia/> (accessed April 30, 2025)

¹⁵² Human Rights Watch, *Deadly Decline*, pp. 95 and 96.

¹⁵³ "Peru: Fujimori's Release Violates International Law," Human Rights Watch news release, December 6, 2023, <https://www.hrw.org/news/2023/12/06/peru-fujimoris-release-violates-international-law>.

¹⁵⁴ *Ibid.*

¹⁵⁵ Congress of the Republic of Peru, Resolution No. 013-2022-2023-CR, published in Peru's Official Gazette on May 19, 2023, <https://busquedas.elperuano.pe/dispositivo/NL/2179218-1> (accessed April 24, 2025).

criticized Congress’ actions in the past, but the new ombudsman has supported many of Congress’ decisions, even when international human rights experts say they contradict Peru’s obligations under human rights law.¹⁵⁶ The new ombudsman also led a commission that appointed new members to the National Board of Justice—a body created in 2019 and designed to ensure that judges, prosecutors, and other authorities are appointed and removed on the basis of objective criteria—for the 2025-2029 term. International observers criticized the appointment process for “lacking transparency, publicity, technical criteria, and citizen participation.”¹⁵⁷

In addition to appointing officials through flawed processes, Congress has undermined key institutions in charge of checking its powers. One of Congress’ key targets has been the National Board of Justice. Congress ramped up its efforts when the board initiated an investigation against members of Congress and then-Attorney General Patricia Benavides for an alleged influence-peddling scheme whereby Benavides allegedly closed investigations against lawmakers in exchange for sway in Congressional appointments.¹⁵⁸

In particular, Congress has taken the following steps against the National Board of Justice:

- In **March 2024**, Congress removed two members from the National Board of Justice, citing a disagreement between lawmakers and the board over interpretation of the law setting forth age requirements for board membership.¹⁵⁹ At the time, the two members were investigating the alleged influence-peddling

¹⁵⁶ Congress of the Republic of Peru, Bill No. 07549/2023-CR, presented on April 11, 2024, <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/7549> (accessed April 24, 2025); Diego Casimiro Ore, “Unbelievable: Ombudsman’s Office supports Jorge Montoya’s bill to grant amnesty to police and military personnel,” (“Insólito: Defensoría del Pueblo apoya proyecto de Jorge Montoya para amnistiar a policías y militares”), *Infobae*, April 22, 2025, <https://www.infobae.com/peru/2025/04/22/insolito-defensoria-del-pueblo-apoya-proyecto-de-jorge-montoya-para-amnistiar-a-policias-y-militares/> (accessed April 24, 2025).

¹⁵⁷ International Observation Mission on the National Board of Justice of Peru (Misión Internacional de Observación sobre la Junta Nacional de Justicia de Perú), *The situation of the National Board of Justice of Peru and the process for electing its members (La situación de la Junta Nacional de Justicia de Perú y el proceso de elección de sus miembros)*, October 2024, <https://dplf.org/wp-content/uploads/2024/10/Informe-Final-Observacion-a-situacion-de-la-JNJ-en-el-Peru-MIO-PERU-October-2024.pdf> (accessed April 24, 2024).

¹⁵⁸ Laura Vásquez Benavente, “Patricia Benavides negotiated with up to eight political parties, several of which have a presence in Congress” (“Patricia Benavides negoció con hasta ocho partidos políticos, varios de ellos, con presencia en el Congreso”), *Infobae*, March 11, 2024, <https://www.infobae.com/peru/2024/03/11/patricia-benavides-negocio-con-hasta-ocho-partidos-politicos-varios-de-ellos-con-presencia-en-el-congreso/> (accessed June 9, 2025); Ministerio Público (@FiscaliaPeru), post to X, April 22, 2025, <https://x.com/FiscaliaPeru/status/1914801699723628588> (accessed June 9, 2025).

¹⁵⁹ Congress of the Republic of Peru, Resolution No. 008-2023-2024-CR, published in Peru’s Official Gazette on March 8, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2268544-1> (accessed April 23, 2025); Congress of the Republic of Peru, Resolution No. 009-2023-2024-CR, published in Peru’s Official Gazette on March 8, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2268685-1> (accessed April 23, 2025).

scheme involving members of Congress and then-Attorney General Patricia Benavides.¹⁶⁰ In July 2024, a tribunal ordered that the board members be reinstated, citing due process violations.¹⁶¹

- In **June 2024**, Congress' Constitutional Committee passed a constitutional reform that would eliminate the National Board of Justice and put legislators in charge of appointing and removing electoral authorities, as well as of removing the heads of disciplinary bodies of the judiciary and the Attorney General's Office.¹⁶² The reform, which needs to be approved by Congress' plenary in two different legislative periods, would open the door to a politicization of the process to appoint and remove judges.¹⁶³

Members of Congress have also threatened the independence of the Attorney General's Office, which is supposed to be independent under the Peruvian Constitution, and whose prosecutors have in recent years lead multiple investigations into corruption by government officials and members of Congress.¹⁶⁴ For example:

- As of **May 2025**, Congress was considering five removal proceedings against Attorney General Delia Espinoza, four of them introduced by members of Congress.¹⁶⁵ In one case, lawmakers accused the attorney general of "abuse of authority" for filing a complaint against members of Congress.¹⁶⁶ The committee in charge of approving the proceedings had not made a decision on any of them at time of writing.

¹⁶⁰ Renzo Gómez Vega, "Peru's prosecutor and her closest advisors accused of belonging to a criminal organization" ("La fiscal de Perú y sus asesores más cercanos, acusados de integrar una organización criminal"), *El País*, November 27, 2023, <https://elpais.com/america/2023-11-27/la-fiscal-de-peru-y-sus-asesores-mas-cercanos-acusados-de-integrar-una-organizacion-criminal.html> (accessed April 23, 2025).

¹⁶¹ Poder Judicial Perú (@Poder_Judicial), post to X, July 1, 2024, https://x.com/Poder_Judicial_/status/1807957311710707871 (accessed April 23, 2025).

¹⁶² Congress of the Republic of Peru, Bill No. 06816/2023-CR and others, presented on January 16, 2024, <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/6816> (accessed April 24, 2025).

¹⁶³ Human Rights Watch interview with Antonio de la Haza, then-president of the National Board of Justice, Lima, May 2, 2024.

¹⁶⁴ Congress of the Republic of Peru, Political Constitution (Constitución Política), promulgated December 29, 1993, updated 2025, <https://www.congreso.gob.pe/Docs/files/constitucion/constitucion-12-2024.pdf> (accessed February 19, 2025), art. 158.

¹⁶⁵ Document from the Attorney General's Office detailing the proceedings against Attorney General Delia Espinoza as of May 13, 2025, on file with Human Rights Watch.

¹⁶⁶ *Ibid.*

- In April 2025, Congress’ Constitutional Committee approved a bill that would allow Congress to suspend the attorney general, other prosecutors, and judges.¹⁶⁷ The suspension would be approved with a simple majority of members of Congress, excluding those on the commission responsible for these cases. In practice, this means that as few as 50 out of the 130 members of Congress could approve a suspension. The bill, which has yet to be passed by the plenary, does not establish a time limit for the suspensions, meaning it could be used to effectively bypass the 67 votes currently needed to remove these officials.

Undermining Environmental Protections

Congress has also passed legislation that undermines environmental protections that helped prevent deforestation and pollution by private actors, organized crime groups, and others.

In July 2022, Congress amended a 2011 forestry law to exempt land classified as “existing private agricultural land” from government regulations and controls designed to protect forests.¹⁶⁸ The change effectively regularized past large-scale illegal deforestation activity and closed criminal investigations into logging on these lands.¹⁶⁹

Some members of Congress argued that the law was required due to the European Union’s Regulation on Deforestation-Free Products (EUDR), however the text of the EUDR contradicts these statements. The EUDR provides that, beginning in 2026, cattle, coffee, cocoa, palm oil, rubber, soy, and wood products can only be placed in the European single market if they were produced on land that was deforested before 2020.¹⁷⁰ Additionally, the

¹⁶⁷ Congress of the Republic of Peru, Bill No. 09938/2024-CR, presented on January 15, 2025, <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/9938> (accessed April 24, 2025).

¹⁶⁸ Peru’s Official Gazette, Law No. 31973, published on January 11, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2251964-1> (accessed April 23, 2025).

¹⁶⁹ Peruvian Society for Environmental Law (Sociedad Peruana de Derecho Ambiental, SPDA), *Legal opinion analyzing the initiatives that seek to repeal Law 31973, which amends the Forest and Wildlife Law (Law 29763)* (*Opinión legal que analiza las iniciativas que buscan derogar la Ley 31973, Ley que modifica la Ley Forestal y de Fauna Silvestre (Ley 29763)*) (Lima: SPDA, 2024), https://spda.org.pe/wp-content/uploads/2024/04/Opinion-Legal_Ley-que-modifica-Ley-Forestal.pdf (accessed April 24, 2025); “Madre de Dios: Prosecutor denounces that the new Forestry Law promotes impunity for environmental crimes” (“Madre de Dios: Fiscal denuncia que nueva Ley Forestal promueve la impunidad en delitos ambientales”), *El Búho*, June 14, 2024, <https://elbuho.pe/2024/06/madre-de-dios-fiscal-denuncia-que-nueva-ley-forestal-promueve-la-impunidad-en-delitos-ambientales/> (accessed April 24, 2025).

¹⁷⁰ European Parliament and Council of the European Union, Regulation (EU) 2023/1115 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation

EUDR requires that commodities be produced in compliance with domestic regulations in the country of origin, including those related to land use rights, taxation, and anti-corruption.¹⁷¹ Consequently, the changes to the forestry law will do nothing to enable commodities grown on land deforested in Peru after 2020 to be compatible with the EUDR.

President Boluarte vetoed the amendments in August 2022,¹⁷² but Congress overrode the veto in December 2023.¹⁷³

In February 2025, the Constitutional Tribunal declared some of the amendments unconstitutional. The court said that the law contradicted Peru's obligations to preserve the environment and promote the sustainable use of natural resources, and did not respect the process of prior consultation with Indigenous communities.¹⁷⁴ However, the tribunal did not rule unconstitutional the specific provision that effectively legalizes past illegal deforestation.

Additionally, Congress has repeatedly extended the deadline for illegal miners to “formalize” their status, in a move that undermines investigations into illegal miners who contaminate rivers or log forests.

The current formalization process, established in 2016, was supposed to be a three-year exceptional measure. It required illegal miners to register before the Integral Mining Formalization Registry (Registro Integral de Formalización Minera, REINFO) and adopt measures to ensure compliance with environmental regulations, among other requirements.¹⁷⁵ The process exempts illegal miners from criminal responsibility.

and repealing Regulation (EU) No. 995/2010, Doc. 32023R1115, June 9, 2023, <https://eur-lex.europa.eu/eli/reg/2023/1115/oj/eng> (accessed June 2, 2025).

¹⁷¹ Ibid.

¹⁷² Congress of the Republic of Peru, Veto from President Dina Boluarte of the amendments to the Forestry Law, August 8, 2022, <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/NDE4MjM=/pdf> (accessed April 23, 2025).

¹⁷³ Peru's Official Gazette, Law No. 31973.

¹⁷⁴ Constitutional Tribunal of the Republic of Peru, Ruling No. 88/2025, February 25, 2025, <https://tc.gob.pe/jurisprudencia/2025/00002-2024-AI.pdf> (accessed April 24, 2025).

¹⁷⁵ Peru's Official Gazette, Legislative Decree No. 1293, published on December 30, 2016, <https://www.minam.gob.pe/disposiciones/decreto-legislativo-n-1293/> (accessed April 25, 2025), art. 4.

Congress has repeatedly extended the deadline, which, at time of writing, is set for June 2025, effectively allowing illegal miners to operate without accountability.¹⁷⁶ The Observatory on Illegal Mining, a coalition of environmental civil society organizations, has expressed concern over the alleged ties between the current president of Congress and illegal mining groups, for which he previously served as a lawyer.¹⁷⁷ The president of Congress has dismissed the allegations.¹⁷⁸

A prosecutor on environmental crimes in Trujillo told Human Rights Watch that “REINFO constitutes one of the main obstacles in the fight against illegal mining. It gives miners too many privileges and asks nothing in return.”¹⁷⁹ “REINFO is actually promoting illegal mining,” a police officer in Trujillo told Human Rights Watch.¹⁸⁰

Additionally, in March 2024, Congress passed a law banning the police from seizing explosives in the hands of miners registered under REINFO.¹⁸¹ These explosives are often used in ways that pollute the environment.¹⁸²

Nearly eight years after its approval, the so-called “extraordinary” formalization process has failed to resolve the situation of low-income individuals who rely on informal mining as their only means of subsistence and has undermined criminal investigations and other safeguards needed to protect the environment and prevent the expansion of organized crime groups.

¹⁷⁶ Peru’s Official Gazette, Legislative Decree No. 1351, published on January 7, 2017, <https://busquedas.elperuano.pe/dispositivo/NL/1471551-3> (accessed April 25, 2025), supplementary final provision (disposición complementaria final).

¹⁷⁷ “Statement: We urge authorities to investigate Congressman Eduardo Salhuana in the face of serious accusations” (“Pronunciamiento: Instamos a autoridades a investigar al Congresista Eduardo Salhuana frente a acusaciones graves”), Observatory on Illegal Mining statement, March 18, 2024, <https://www.observatoriomineriailegal.org.pe/archives/portfolio-items/pronunciamiento-investigacion-congresista-eduardo-salhuana> (accessed June 12, 2025).

¹⁷⁸ “Eduardo Salhuana on his connection to illegal mining: ‘Responsibilities are personal’” (“EDUARDO SALHUANA sobre su vínculo con la MINERÍA ILEGAL: ‘Las responsabilidades son personales’”), *La República*, video clip, YouTube, August 13, 2024, <https://youtu.be/rRm12wOkOnE> (accessed June 12, 2025).

¹⁷⁹ Human Rights Watch interview with Patricia Ponce Saavedra, prosecutor specialized in environmental matters in La Libertad, Trujillo, October 21, 2024.

¹⁸⁰ Human Rights Watch interview with a colonel and two research officers from the PNP, October 20, 2024.

¹⁸¹ Peru’s Official Gazette, Law No. 31989, published on March 20, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2272587-1> (accessed April 23, 2025).

¹⁸² Human Rights Watch interview with Graciela Villasís, head of the investigative unit at El Comercio, Lima, October 18, 2024.

President Boluarte’s Security Response

The administration of President Dina Boluarte has used “states of emergency” as its main tool against crime in Peru.¹⁸³

The Peruvian Constitution allows the president to declare states of emergency across the entire territory or in specific areas “in case of disturbance of the peace or internal order, catastrophe, or serious circumstances affecting the life of the Nation.”¹⁸⁴ These states of emergency can suspend some constitutional rights such as freedom of movement, peaceful assembly, and inviolability of homes.¹⁸⁵ The declaration can last up to 60 days but can be renewed by presidential decree.¹⁸⁶

However, homicides, which President Boluarte cites as a key reason to suspend constitutional rights, have continued to rise in the main areas under states of emergency. For example:

- The department of Callao was under emergency from December 7, 2024, to February 5, 2025.¹⁸⁷ Compared to the same period in 2023 and 2024 when there was no state of emergency, homicides doubled.¹⁸⁸
- In Lima, President Boluarte declared a state of emergency in the districts most affected by crime, including San Juan de Lurigancho and San Martín de Porres, from September 2023 to January 2024 and again from September 2024 to January 2025.¹⁸⁹ However, the number of homicides remained high: December 2024

¹⁸³ Human Rights Watch online interviews with Carlos Basombrío, July 24, 2024, and Dante Vera, October 1, 2024.

¹⁸⁴ Congress of the Republic of Peru, Political Constitution (Constitución Política), promulgated December 29, 1993, <https://www.congreso.gob.pe/Docs/files/constitucion/constitucion-12-2024.pdf> (accessed April 25, 2025), art. 137.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Peru’s Official Gazette, Decree No. 129-2024-PCM, published on November 26, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2348176-1> (accessed April 23, 2025); Peru’s Official Gazette, Decree No. 139-2024-PCM, published on December 6, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2351694-1> (accessed April 23, 2025).

¹⁸⁸ Ministry of Health of the Republic of Peru (MINSA), Unique National Health Information Repository (Repositorio Único Nacional de Información en Salud, REUNIS), Registered Deaths (Defunciones registradas), <https://www.minsa.gob.pe/reunis/index.asp?op=1&niv=1&tbl=1> (accessed April 10, 2025).

¹⁸⁹ Peru’s Official Gazette, Decree No. 105-2023-PCM, published on September 19, 2023, <https://busquedas.elperuano.pe/dispositivo/NL/2216879-1> (accessed April 23, 2025); Peru’s Official Gazette, Decree No. 114-2023-PCM, published on October 10, 2023, <https://busquedas.elperuano.pe/dispositivo/NL/2223417-1> (accessed April 23, 2025); Peru’s Official Gazette, Decree No. 126-2023-PCM, published on November 15, 2023, <https://busquedas.elperuano.pe/dispositivo/NL/2235405-2> (accessed April 23, 2025); Peru’s Official Gazette, Decree No. 100-2024-PCM, published on September 27, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2329467-2> (accessed April 25,

showed a 21 percent increase compared to the same month in the previous year, both under state of emergency, and an 8 percent increase compared to September 2024, which only had three days under state of emergency.¹⁹⁰

- On March 18, 2025, President Boluarte declared Lima and Callao under state of emergency for 30 days and extended it for another 30 days starting April 17.¹⁹¹ Homicides in Lima and Callao increased by 2.6 percent in April 2025 compared to the same month in 2024.¹⁹²
- La Libertad has been under a series of partial or complete states of emergency since January 2023.¹⁹³ The number of homicides increased 24 percent from 2023 to 2024.¹⁹⁴ From January through April 2025, the number of homicides was up 50 percent compared to the figure for the same period in 2023.¹⁹⁵

“The state of emergency has changed little or nothing. Declaring it and then not taking concrete action to provide the police with resources or training makes no sense,” a colonel from the Peruvian National Police (PNP) in Trujillo told Human Rights Watch.¹⁹⁶

2025; Peru’s Official Gazette, Decree No. 129-2024-PCM, published on November 26, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2348176-1> (accessed April 25, 2025); Peru’s Official Gazette, Decree No. 139-2024-PCM, published on December 6, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2351694-1> (accessed April 25, 2025).

¹⁹⁰ MINSA, REUNIS.

¹⁹¹ Peru’s Official Gazette, Decree No. 035-2025-PCM, published on March 17, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2381291-1> (accessed April 23, 2025); Peru’s Official Gazette, Decree No. 046-2025-PCM, published on April 13, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2390287-1> (accessed April 23, 2025); Peru’s Official Gazette, Decree No. 035-2025-PCM, published on March 17, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2381291-1> (accessed April 25, 2025); Peru’s Official Gazette, Decree No. 046-2025-PCM, published on April 13, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2390287-1> (accessed April 25, 2025).

¹⁹² MINSA, REUNIS.

¹⁹³ Peru’s Official Gazette, Decree No. 010-2023-PCM, published on January 19, 2023, <https://busquedas.elperuano.pe/dispositivo/NL/2144742-1> (accessed April 23, 2025); Peru’s Official Gazette, Decree No. 019-2024-PCM, published on February 13, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2261528-2> (accessed April 25, 2025); Peru’s Official Gazette, Decree No. 070-2024-PCM, published on July 12, 2024, <https://busquedas.elperuano.pe/dispositivo/NL/2306224-1> (accessed April 25, 2025); Peru’s Official Gazette, Decree No. 029-2025-PCM, published on March 7, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2378099-1> (accessed April 25, 2025); Peru’s Official Gazette, Decree No. 030-2025-PCM, published on March 7, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2378099-2> (accessed April 25, 2025); Peru’s Official Gazette, Decree No. 031-2025-PCM, published on March 7, 2025, <https://busquedas.elperuano.pe/dispositivo/NL/2378099-3> (accessed April 25, 2025).

¹⁹⁴ MINSA, REUNIS.

¹⁹⁵ Ibid.

¹⁹⁶ Human Rights Watch interview with a colonel and two research officers from the PNP, October 20, 2024.

International Law

In order to protect the right to life and ensure that victims of unlawful killings are able to access effective remedy through the judicial system, governments have an obligation to promptly, effectively, and impartially investigate possible homicides with the goal of determining the truth about what happened to the victim, whether the victim's death was unlawful, and who, if anyone, may be criminally responsible.¹⁹⁷ When a prompt, effective, and impartial investigation reveals that a death was unlawful, authorities have an obligation to ensure that all direct and indirect perpetrators are identified, prosecuted, and, where appropriate, punished through a judicial process.¹⁹⁸

Peru also has the duty to allow human rights defenders to conduct their activities freely and protect them when they are subject to threats to ward off any attempt on their life or safety, including threats by organized crime groups.¹⁹⁹ The UN special rapporteur on human rights defenders noted that the entry into force of the Escazú Agreement, a Latin American treaty promoting access to information, justice, and public participation in environmental matters, “is an important milestone” in the protection of environmental human rights defenders, but Peru had not ratified it at time of writing.²⁰⁰

¹⁹⁷ UN Human Rights Committee, General Comment No. 36, Article 6 of the International Covenant on Civil and Political Rights (ICCPR): Right to Life, UN Doc. CCPR/C/GC/36 (2019), <https://docs.un.org/en/CCPR/C/GC/36> (accessed April 26, 2025), paras. 27-28; Office of the United Nations High Commissioner for Human Rights (OHCHR), *The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* (New York/Geneva: OHCHR, 2017), <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf> (accessed April 26, 2025), paras. 8-33.

¹⁹⁸ UN Commission on Human Rights, Report of the independent expert to update the Set of principles to combat impunity, Diane Orentlicher, Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, UN Doc. E/CN.4/2005/102/Add.1 (2005), <https://documents.un.org/doc/undoc/gen/g05/109/00/pdf/g0510900.pdf> (accessed April 26, 2025), principle 1.

¹⁹⁹ Inter-American Court of Human Rights, *Kawas-Fernández Case*, Judgment of April 3, 2009 (Merits, Reparations and Costs), Inter-Am.Ct.H.R., (Ser. C) No. 196 (2009), http://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf (accessed May 5, 2025), para. 145; Inter-American Court of Human Rights, *Human Rights Defender et al. Case*, Judgement of August 28, 2014 (Preliminary objections, merits, reparations and costs), Inter-Am.Ct.H.R. (ser. C) No. 283 (2014), http://www.corteidh.or.cr/docs/casos/articulos/seriec_283_ing.pdf (accessed May 5, 2025), paras. 142, 157, and 263.

²⁰⁰ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, Final warning: death threats and killings of human rights defenders, UN Doc. A/HRC/46/35 (2020), <https://documents.un.org/doc/undoc/gen/g20/355/11/pdf/g2035511.pdf?OpenElement> (accessed May 5, 2025), para. 33; UN Observatory on Principle 10 in Latin America and the Caribbean, *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean*, Parties, <https://observatoriop10.cepal.org/en/treaty/regional-agreement-access-information-public-participation-and-justice-environmental-matters> (accessed May 5, 2025).

The UN Human Rights Committee, which provides authoritative interpretations of the International Covenant on Civil and Political Rights (ICCPR), to which Peru is party, has stated that fulfilling the obligation to respect and protect the right to life requires governments to take measures “to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors.”²⁰¹

Judicial independence is crucial for the defense of human rights. The UN Basic Principles on the Independence of the Judiciary state that “it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.”²⁰² The Inter-American Democratic Charter of the Organization of American States (OAS) notes that an essential component of representative democracy is “the separation of powers and independence of the branches of government.”²⁰³

The ICCPR establishes that governments may derogate from, or suspend, some of their obligations under the covenant “in time of public emergency which threatens the life of the nation.”²⁰⁴ Derogations should be only those “strictly required by the exigencies of the situation.”

The UN Human Rights Committee has made clear that states of emergency may not be used as a justification to violate peremptory norms of international law, for example through arbitrary deprivations of liberty or by deviating from fundamental fair trial principles.²⁰⁵

²⁰¹ UN Human Rights Committee, General Comment No. 36 (2018), Article 6 of the ICCPR: Right to Life, UN Doc. CPR/C/GC/36 (2018), https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/CCPR_C_GC_36.pdf, (accessed June 2, 2025), para. 62.

²⁰² OHCHR, Basic Principles on the Independence of the Judiciary, adopted September 6, 1985, endorsed by United Nations General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary> (accessed April 23, 2025), principle 1.

²⁰³ Organization of American States (OAS), Inter-American Democratic Charter, adopted September 11, 2001, Doc. AG/doc.8 (XXVIII-E/01), https://www.oas.org/en/democratic-charter/pdf/demcharter_en.pdf#page=10 (accessed April 23, 2025), art. 3.

²⁰⁴ ICCPR, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (accessed April 25, 2025), art. 4.

²⁰⁵ UN Human Rights Committee, General Comment No. 29, Article 4 of the ICCPR: States of Emergency, UN Doc. CCPR/C/21/Rev.1/Add.11 (2001), <https://digitallibrary.un.org/record/451555?v=pdf> (accessed April 25, 2025).

Acknowledgments

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Congress in Cahoots

How Peru's Legislature is Allowing Organized Crime to Thrive

In recent years, criminal groups have expanded their influence across Peru. Homicides have more than doubled since 2018, with contract killings and extortion reaching record highs. Illegal mining has increased, leading to pollution of rivers in the Amazon and driving violence against human rights defenders and Indigenous leaders.

Congress in Cahoots details how Peru's Congress has undermined judicial independence and weakened prosecutors' ability to investigate and dismantle organized crime groups—including those responsible for environmental destruction. It also documents failures by the administration of President Dina Boluarte to respond effectively to Congress' attacks on the rule of law and to the expanding influence of organized crime.

The Organization for Economic Co-operation and Development (OECD) should urge Peru, currently trying to become a member of the organization, to implement meaningful reforms as a condition of membership. Peruvian authorities should uphold the rule of law, restore judicial independence, and protect civil society groups. Peruvians deserve a Congress and executive branch that work to ensure their rights, including to be safe from violence by organized crime groups.



A demonstrator holds a sign that reads "For our lives, we march today" at a protest against crime and insecurity in Lima, Peru, March 21, 2025.

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