

Peru (2013)

Peru's Internet penetration rate was 36.5 percent in 2011, leaving it below leading economies in the region such as Argentina, Chile, and Colombia, but above Bolivia, Paraguay, and most countries in Central America.¹ Government and NGO-led initiatives to improve Internet connectivity and access and to provide citizens with digital education opportunities have made Peru a model for ICT development in South America. Peru's online media environment has created a critical space for civic dialogue and has provided Peruvians with an important alternative to print and broadcast journalism in a country where press freedom is often under threat. ONI testing revealed no evidence of Internet filtering in Peru.

Background

Peru is a representative democracy led by Ollanta Humala of the Partido Nacionalista Peruano (Peruvian Nationalist Party).² During the 1970s and '80s, the nation was plagued by civil war between government military forces and the Shining Path rebel army.³ Threats of assassination, kidnapping, and physical assault were routine for investigative journalists in Peru during this period.⁴ Although former president Alberto Fujimori was credited with ending the armed conflict and bolstering the nation's economy in the 1990s, his administration was marked by numerous violations of press freedom, privacy, and human rights.⁵ In 1992, the government secretly ordered military forces to kidnap several journalists, including acclaimed columnist Gustavo Gorriti of *Caretas* magazine, who later became a leader in advocating for press freedom in Peru.⁶ In 1999, it was discovered that the Fujimori administration had paid several major news outlets to publish pro-government content.⁷ Dozens of media workers who refused bribes and continued to pursue investigations of government corruption were placed under surveillance, and some were charged with espionage, treason, and terrorism.⁸

Internal censorship by media organizations independent of government interference has persisted since the Fujimori era. During the presidential elections of 2011, reporters and producers who refused to follow their employers' guidelines regarding reporting on particular candidates resigned or were fired.⁹

Although legal protections for journalists have improved since the 1990s, many investigative reporters continue to be harassed and threatened because of their work. In 2010, Alejandro Carrascal, who had reported on corruption in the public education system in the Amazonian city of Bagua,¹⁰ and Oswaldo Pereyra, a radio host who had reported on illegal abortions taking place in northern Peru,¹¹ were imprisoned after being found guilty of defamation. Carrascal has since been released.¹² TV journalist Pedro Alfonso Flores Silva was killed; national police publicly stated that a local mayor had ordered Flores' assassination in retaliation for his coverage of government corruption.¹³ The Committee to Protect Journalists reports that the mayor has remained in office, illustrating deep-seeded impunity in the country.¹⁴

There were no reported assassinations of journalists in Peru in 2012, but several attacks and threats took place. Four assailants broke into the offices of a television news station in Calca, where they brutally beat Jaime Nuñez del Prado, host of "La Otra Verdad," a political news program.¹⁵ As of May 2013, the nationally-based Instituto Prensa y Sociedad (Press and Society Institute) had documented thirteen attacks on the press in 2013. These include several physical assaults and one

instance of arson, in which the offices of Paraíso radio station in the Lambayeque province went up in flames.¹⁶

Peru boasts an array of print, broadcast, and digital news sources that represent a range of political perspectives.¹⁷ The nation's political constitution protects press freedom and explicitly outlaws the closure of media institutions by the government, but these laws are not always upheld.¹⁸ Between late 2009 and early 2010, the Ministry of the Interior revoked the broadcast licenses of radio station La Voz de Bagua Grande and television station Televisión Oriente.¹⁹ Both had offered extensive coverage of indigenous groups that demonstrated in protest of legislation that affects mining and logging regulations in the Amazonas province, a predominantly indigenous area. It was reported that both stations' coverage was "supportive" of protesters, several of whom were taken into custody after fights broke out between protesters and government security forces that attempted to end the protest.²⁰ Critics held that the Ministry revoked the stations' licenses because of their support for these groups.²¹ Although it remains without a broadcast license, La Voz de Bagua Grande has maintained an active presence in the Peruvian media through its blog.²²

Many media organizations have had difficulty regaining credibility in civil society since the Fujimori era; some continue to avoid being heavily critical of the government.²³ The work of citizen journalists has begun to fill this void over the last five years as blogs and social media have created a new platform for government criticism and political debate.²⁴ The 2011 election cycle witnessed record levels of participation on social media platforms by voters debating the virtues of each candidate.²⁵

Despite these developments, some bloggers have experienced repercussions for their work. In 2009, Carlos Quiróz reported that his YouTube channel, where he had posted several videos on human rights abuses taking place in the Amazonian regions of the country, had been taken down due to complaints from other users.²⁶ Francisco Canaza, who blogs about politics and human rights issues in Peru, reported that his blog was hacked and left offline for several days.²⁷

In October of 2010, blogger José Alejandro Godoy was sentenced to three years in prison and a fine of \$125,000 for defamation of former politician Jorge Mufarech, a minister under Alberto Fujimori. Mufarech pressed charges after Godoy refused to take down a post in which he commented on threats that Mufarech had allegedly made against a parliamentary advisor.²⁸

Internet in Peru

In 1991, José Soriano founded the non-profit organization Red Científica Peruana (Scientific Net of Peru or RCP), which established Peru's first ISP and administers the .pe domain.²⁹ RCP built the nation's first websites and assisted news organizations and government agencies in developing websites and networked data systems.³⁰

Peru opened its telecommunications market to competition in 1994, but Telefónica del Perú—co-owned by the government and Telefónica of Spain—still dominates the market.³¹ Peru has one Internet Exchange Point (IXP), Nap Perú, which offers multilateral settlement-free peering to most Peruvian ISPs.³² Its affiliates include América Móvil Perú, Americatel Peru, Comsat Perú, Telefónica del Perú, and Telmex Perú.³³ In March of 2008, Peru's Organismo Supervisor de Inversión Privada en Telecomunicaciones (Telecommunications Investment Supervisory Board or OSIPTTEL) approved a resolution aimed at increasing Internet access, improving the quality of service, and

reducing connection costs by encouraging greater ISP competition.³⁴ Since the resolution was passed, the cost of accessing national data circuits—which ISPs must do in order to provide ADSL service—has fallen by more than 90 percent.³⁵ The majority of Peruvians access the Internet from public cafés, but as more ISPs enter the market, in-home access may soon become more affordable and thus more common.³⁶

In December of 2010, Telefónica del Perú, one of the largest ISPs in the country, instituted a monthly limit for downloads by its subscribers that reduced connection speed for subscribers who exceeded the limit. Subscribers and advocates voiced outrage at this development, and OSPITEL officials soon passed a regulatory measure that effectively dismantled the policy.³⁷

The International Telecommunication Union reports that the Internet penetration rate in Peru grew from 3 percent in 2000³⁸ to 36.5 percent in 2011. Data from the National Institute for Statistical Information indicates that in 2011, 16 percent of Peruvian households had Internet connections, and 56 percent of Peruvians had Internet access.³⁹ The government-run Telecommunications Investment Fund (FITEC), which collects one percent of all telecommunications company revenues in the country in order to finance ICT development, launched an \$11.5 million project in August 2008 to open Internet centers in over 1,000 rural communities in Peru, bringing access to more than one million citizens.⁴⁰ FITEC projects are also working to provide broadband service to 6,000 rural towns throughout the country.⁴¹

In June 2012, Congress approved a law aimed at promoting broadband adoption throughout the country.⁴² The bill's author argued that the law would help facilitate “social inclusion, socio-economic development, competition, and national security.”

In 2007, the government began working to expand educational technology with the One Laptop per Child (OLPC) pilot project. In 2008 UNESCO awarded Peru an honorable mention for its success with OLPC,⁴³ though critics argue that instead of buying laptops, the government should focus on the basic needs of Peruvian children, many of whom live in poverty.⁴⁴ The project nevertheless has become a model for technology-based education initiatives in developing countries.⁴⁵ As of 2012, approximately 900,000 laptops had been distributed, with a focus on rural or disadvantaged communities.⁴⁶

As of 2011, the EU-funded Euro-Solar program, which promotes renewable energy toward improving living conditions for people in the poorest Latin American countries, had brought solar panels to 130 rural villages in Peru that are not connected to the electricity grid. The Euro-Solar program brings to each village a kit including antenna for satellite Internet and laptop computers.⁴⁷

Legal and Regulatory Framework

Peru is a member state of the United Nations⁴⁸ and the Organization of American States.⁴⁹ The country's constitution guarantees freedom of expression and freedom of the press and explicitly outlaws the intentional closure or suspension of information-disseminating institutions.⁵⁰ The constitution also guarantees citizens the right to solicit and receive information from a public agency, so long as they do not infringe on the privacy of another citizen.⁵¹ Personal information may be released only by court order, if it is deemed necessary to legal proceedings or investigations concerning national security.⁵² The constitution also expressly prohibits infringement on personal or family privacy through electronic information systems.⁵³ The Instituto Prensa y Sociedad (Institute

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for the Press and Society or IPYS), an autonomous organization, monitors and issues regular reports on government adherence to freedom of expression and freedom of information laws.⁵⁴

In 2003, the Criminal Code was amended to outlaw cybercrime and the unlawful use of or interference with a database or network.⁵⁵ Between 2004 and 2008, the government approved several laws that forbid minors' access to pornography and make filtering and blocking of pornography mandatory for places offering public access to the Internet.⁵⁶

In May 2007, provisions of Law 28119 of the Criminal Code were modified to prohibit minors from accessing chat rooms or any virtual network with content that is either pornographic, "against morality and good manners," "against physical and psychological health," or disruptive to "personal or familiar privacy."⁵⁷ According to the new law, public Internet facilities must have child-only sections where minors can access the Internet separately from adults. The law requires that children using the Internet in public spaces be under the supervision of a parent or guardian at all times and explicitly prohibits adults from accompanying children to an Internet café unless they are the parent or guardian of the child in question.⁵⁸

Peru is a member of the Trans-Pacific Partnership Alliance, a group of Pacific Rim countries engaged in a long and largely private trade agreement process led by the United States. The TPP agreement affects various areas of trade including intellectual property. Leaked documents from 2011 indicate that the agreement would impose "a broad ban on breaking digital locks on devices and creative works (even for legal purposes), a minimum copyright term of the lifetime of the creator plus seventy years, privatization of enforcement for copyright infringement."⁵⁹ It would also allow for government seizures of computers and equipment involved in alleged infringement. Because proceedings around the treaty have been private it is not entirely clear how the agreement, if finalized and ratified, would affect Internet users in Peru.

Surveillance

Under certain circumstances, Peru's Criminal Code authorizes the Office of the Prosecutor to use electronic tools in criminal investigations.⁶⁰ Decree 957 of the Criminal Code authorizes police to conduct video surveillance or monitor telephone conversations if they pertain to investigations of organized crime, drug trafficking, terrorism, espionage, or "grave" violent crimes.⁶¹ Any form of electronic surveillance used in a criminal investigation must be approved by a judge.⁶²

Surveillance was a major feature of the administration of Alberto Fujimori. Political opposition figures in particular were frequently subject to surveillance during his time in office. Unfortunately, some of the equipment and practices from this period are still in use today. In 2001, several politicians and journalists brought a petition to the Inter-American Commission on Human Rights alleging that the National Intelligence Service had wiretapped their phones.⁶³ Another group of journalists filed similar charges in 2003.⁶⁴

In 2003, former President Alejandro Toledo introduced Decree-Law 922, which stipulates that oral hearings for crimes defined as terrorism must be open to the public and the media. Yet the law also forbids people from bringing cameras, tape recorders, and other similar technology into the courtroom.⁶⁵

In November 2006, former President Alan García supported legislation that would allow the

government to “supervise” the activities of Peruvian NGOs that receive foreign funding.⁶⁶ In September 2007, the Constitutional Court ruled that certain provisions of the bill, including those requiring NGOs to report expenditures to the Agencia Peruana de Cooperación Internacional (Peruvian International Cooperation Agency or APCI) and authorizing the APCI to revoke the licenses of NGOs without a court order, were unconstitutional.⁶⁷

In 2012, Congressman Alberto Beingolea proposed a controversial computer crimes bill that would place strict limitations on the ways in which users can legally access and use a network. The bill would also expand powers for government and law enforcement officials to track user activities online by eliminating constitutional protections for critical pieces of personal information, such as IP addresses. Although the bill has not moved forward in the legislative process, it is due for consideration in the 2013 term.⁶⁸

ONI Testing Results

The ONI conducted testing in September 2011 on one ISP. ONI testing revealed no evidence of Internet filtering in Peru. Earlier ONI testing in May 2009 on two ISPs, Telefónica del Perú and Telemex Perú, had the same result.

Conclusion

Sustained economic growth has allowed the Peruvian government to advance its efforts to overcome the digital divide, making Peru a regional leader in ICT development. Government and police officials must obtain the permission of a judge before using electronic surveillance in criminal investigations, but reports indicate that there have been violations of this mandate. Though the government has passed several laws regulating online privacy and pornographic content in public Internet cafés, ONI testing revealed no evidence of Internet filtering in Peru.

Notes

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