

Peru's review in the Working Group,
Tuesday 6 May 2008, 10 am – 1 pm
Overview of the Working Group session

The Troika

The troika is composed of Mali, Cuba and India. None of them took the floor.

Presentation by Peru

Speaking time: 38 minutes

Speaker: H.E. Ms. Rosario Fernandez Figueroa, Minister of Justice of Peru.

Recognition of problems and/or concerns: the delegation mentioned some challenges, among which reduction of poverty and inequalities. The delegation committed to improve their reporting record to the treaty bodies (as many reports are overdue).

Achievements made: among the achievements made, the delegation noted the independence of the judicial powers and their numerous rulings on human rights cases, the strengthening of human rights institution, improvement of the conditions of detention, improved access to justice, social and racial discrimination, reform of justice system, social exclusion and poverty, establishment of NHRI.

Other issues: threat posed by terrorism, poverty and inequality, economic growth and disparity.

Answers to written questions: women's rights: gender equality and discrimination (UK and Canada), conditions of detention (Canada), death penalty (Netherlands and UK), NGOs and HR Defenders (the Netherlands), NHRI (UK), follow-up of the recommendations made by the Truth and Reconciliation Commission (Canada, Denmark, Netherlands and UK).

Interactive dialogue

Number of countries that took the floor

29 countries took the floor during the interactive dialogue: **19 member States of the Human Rights Council** (*Pakistan, the Philippines, Republic of Korea, Canada, Germany, Malaysia, Netherlands, Japan, Peru, Slovenia, Russian Federation, UK, China, Mexico, Uruguay, Azerbaijan, France, Italy, Brazil*) and **10 non members States** (*Algeria, Argentina, Australia, Colombia, Chile, Belgium, Ecuador, Portugal, USA, Turkey*).

Questions/issues raised

National Plan of Action – Pakistan; **Indigenous peoples** – Algeria, Russian Federation (identity paper and social rights); **Women's rights** – *Discrimination against women* – The Philippines; *Violence against women* – Malaysia, Turkey (definition of violence against women), Italy (domestic violence); *Trafficking and sexual exploitation* – the Philippines; **Children's rights** – Brazil; *Child labour* – Japan, Portugal; *Trafficking and sexual exploitation* – Japan; *Access to health care for poor children* – Slovenia; **Health care for marginalized communities** (Slovenia); **Protection of Human Rights Defenders and witnesses of violence** – Belgium, Brazil, Australia; **Impunity** – Mexico, Ecuador; **Independence of the judiciary and corruption** – Germany **Conditions of detention** – UK, Uruguay, Argentina (Penitentiary Plan to develop prisons structure); **Visits by Special Procedures** – Azerbaijan; Slovenia (Visit by the Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression); **Reporting to Treaty Bodies** – Republic of Korea (reports overdue); **Access to Water** – Japan; **Mercenaries** - Russian Federation; **Enforced**

Disappearances – France; **Civil Society’s participation** – USA (removal of NGOs from the observer status in the National Council of Human Rights in the Ministry of Justice); **Freedom of opinion and expression** – USA (intimidation and violence against journalists); **Torture** – Brazil (implementation of its international commitments against torture), Canada (torture in prisons); **Truth and Reconciliation Commission** – Germany (slow consideration of cases), Brazil (achievements); **Right to Truth** - Brazil; **National Reparations Council (CNR)** – Belgium (CNR’s legal and financial resources); **National Council for Human Rights** - Colombia (mandate and functions); **Rural population affected by violence** - Colombia (development on the “Route to Peace”); **Enjoyment of civil, political, economic and social rights** - Slovenia (lack of identification papers hindering such enjoyment); **Discrimination** - Colombia ((inclusion of civil society in devising a plan to combat discrimination and inequality on grounds of race, religion, sex or gender or sexual orientation); USA (discrimination against Afro-Peruvian citizens); **Death Penalty** – Italy; **Adverse effects of economic activities** – Turkey (effects of mining activities); **Asylum-seekers and refugees** – Algeria (laws and regulation on grating asylum).

Recommendations

Indigenous peoples

- Continuing the improvement of rights of indigenous people (**Algeria**)

Truth and Reconciliation Commission (TRC) and National Reparations Council

- Further cooperating with the Truth and Reconciliation Commission (TRC) (**Republic of Korea, Canada**).
- Speeding up the dealing of cases (**Germany**)
- Implementing the recommendations made by the TRC (**The Netherlands, France**)
- Providing the CNR with further financial resources (**Belgium**)

Ombudsman and National Human Rights Institutions

- Further cooperating with the Ombudsman (**Republic of Korea**)

Enforced disappearances

- Taking further measures in order to investigate cases of enforced disappearances (**Canada**)
- Ratifying the International Convention on Enforced Disappearances (**Mexico, France**)

Torture

- Making further efforts to implement the recommendations of the CAT Committee (**Canada, Mexico**)
- Cooperating more with the CAT Committee by setting up a national record on cases of torture as well as a national commission (**Mexico**).

Detention conditions

- Devising a national plan and taking other measures to improve detention conditions (**Canada**)

Protection of Human Rights Defenders and witnesses

- Establishing a protection system for witnesses (**Belgium, Australia**)
- Ensuring protection for Human Rights Defenders (**Australia, the Netherlands, Belgium**), and devising a national policy or system to protect Human Rights defenders (**Brazil**)

Independence of the judiciary and corruption

- Combating corruption and strengthening of the judiciary system (**Germany**)

Ratification of international convention and treaties

- Ratifying the second optional protocol to the ICCPR (**Portugal**)

Treaty Bodies

- Reporting regularly to treaty bodies (**Slovenia**)

Special Procedures

- Responding to communications and questionnaires transmitted by Special Procedures (**Slovenia**)

Civil society

- Involving civil society in the follow-up to the review (**UK**)
- Further cooperating and coordinating with NGOs in devising human rights policies (**USA**)

Freedom of opinion and expression

- Supporting freedom of expression and combating intimidating practices (**USA**).

Death penalty

- Abolishing the death penalty (**UK, Portugal**)

Women's rights

- Ensuring the integration of gender perspective in the follow-up to the review (**Slovenia**)
- Criminalizing trafficking (**Mexico**)

Children's rights

- Taking measures to eliminate child labor and exploitation (**Italy**)

Enjoyment of civil, economic and social rights

- Providing identity documents to those lacking them (**Slovenia**)

Answers provided by the delegation

National Plan of Action for Human Rights – Pakistan; **Participation of civil society in policy-making** (USA); **Indigenous peoples** (Algeria), **Effects of mining exploitation** (Turkey), **Reporting to Treaty Bodies** (Republic of Korea); **Rural populations affected by violence** (Colombia), **Refugees** (Algeria), **Discrimination against women** (the Philippines); **Violence against women** (Malaysia, Italy), **Independence of the judiciary** (Germany), **Torture and cruel treatment in prisons** (Canada), **Detention's conditions** (UK, Argentina, Uruguay), **TRC**; **National Reparations Council (CNR)** (Belgium); **Identity documents** (Slovenia); **Access to health care for marginalized/poor communities** (Slovenia); **Visit of the Special Rapporteur on freedom of opinion and expression** (Slovenia); **NGOs' participation in the National Human Rights Council** (USA); **Freedom of opinion and expression and intimidation of journalists** (USA); **Protection of Witnesses and human rights Defenders** (Belgium, Brazil, Australia).

Issues for follow-up

The **delegation** mentioned several issues that can be interesting for a follow-up, among which: reduction of poverty by 2011, the creation of a **new code of justice**, the ratification of **ESCR** in December 2008.

Peru stressed also that the Government would ratify **OP-CAT** and establish of **workshops** in the context of national human rights institutions. The creation of **prison infrastructures** was also

mentioned as well as the **commitment to report to Treaty Bodies on a timelier manner (according to a timetable that stretches up to 2009)**.

Finally, the delegation reaffirmed its will to follow-up the recommendations made and its disposition to provide further clarification if needed.

Among the issues mentioned by other States during the interactive dialogue, some are interesting for follow-up: the recommendations to **criminalize trafficking**, to abolishing the **death penalty**, to ratify the **second optional protocol to the ICCPR**, to respond to communications and questionnaires transmitted by **Special Procedures**, to host the visit of the **Special Rapporteur on the Promotion and protection of the right to freedom of opinion and expression**, to ratifying the **International Convention on Enforced Disappearances**, to further implement recommendations of **treaty bodies** among which CAT, to speed up the consideration of cases by the **TRC**.

Human Rights mentioned in the NGOs reports but not raised during the review

Women's rights (*forced sterilisation, indigenous women, access to justice, abortion*); **Workers' rights** (trade unions, right to strike, impunity, violence, threats); **Internally Displaced Persons** (compensation, returns); **Intellectual property**.

Human Rights mentioned during the review but on which the delegation did not give a response

Women's rights: *Violence against women* - Turkey (definition of violence against women), *Trafficking and sexual exploitation* – the Philippines; **Children's rights** – Brazil; *Child labour* – Japan, Portugal; *Trafficking and sexual exploitation* – Japan; **Impunity** – Mexico, Ecuador; **Visits by Special Procedures** – Azerbaijan; **Access to Water** – Japan; **Mercenaries** - Russian Federation; **Enforced Disappearances** – France; **Right to Truth** - Brazil; **National Council for Human Rights** - Colombia (mandate and functions); **Enjoyment of civil, political, economic and social rights** - Slovenia (lack of identification papers hindering such enjoyment); **Discrimination** - Colombia ((inclusion of civil society in devising a plan to combat discrimination and inequality on grounds of race, religion, sex or gender or sexual orientation); USA (discrimination against Afro-Peruvian citizens); **Death Penalty** – Italy.

Speaking times

Overall duration of the review: 150 minutes.

Of Peru: 60 minutes

- Opening statement: 38 minutes
- Answering to questions during the interactive dialogue and concluding remarks: 22 minutes

Of other States: 3 minutes for Member States, 2 minutes for Non-member States.

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