



General Assembly

Distr.: General
14 November 2022
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
23 January–3 February 2023

Peru

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the United Nations country team recommended that Peru ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, the Inter-American Convention against All Forms of Discrimination and Intolerance, and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).^{2, 3}

3. The United Nations country team and the Special Rapporteur on the situation of human rights defenders recommended that Peru ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.⁴

4. In July 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted the value of the authorities' commitment to cooperate with international human rights mechanisms, including upcoming visits by special rapporteurs.⁵ The United Nations country team recommended that Peru consider the pertinence of receiving follow-up visits from the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the rights of Indigenous Peoples, and the Working Group on discrimination against women and girls.⁶

5. OHCHR had provided technical assistance to the National Penitentiary Institute and the Ministry of Justice and Human Rights, assisted the National Council for the Integration



of Persons with Disabilities, provided technical assistance on international standards on the protection of human rights defenders, and organized training for prosecutors from the Specialized Subsystem of Human Rights and Terrorism and the Institute of Legal Medicine.⁷

6. The High Commissioner for Human Rights had visited Peru in 2022.⁸ Since 2022, an OHCHR technical mission had been deployed in Peru, operating as part of the Office of the Resident Coordinator and working with State and other stakeholders to strengthen their capacities in promoting and protecting all human rights.⁹

7. Peru had contributed financially to OHCHR since 2017, including to the United Nations Voluntary Fund for Indigenous Peoples and the United Nations Voluntary Fund for the Victims of Torture.¹⁰

III. National human rights framework

1. Institutional infrastructure and policy measures

8. The Committee on the Elimination of Discrimination against Women was concerned that the enabling legislation of the Ombudsman's Office did not adequately ensure its independence.¹¹ OHCHR commended the Ombudsman's Office for its crucial role and noted the importance of having a transparent selection process, in accordance with international standards.¹² The United Nations country team recommended that Peru guarantee the necessary budget allocation for the Ombudsman's Office.¹³

9. Two Committees welcomed the adoption of the 2018–2021 National Human Rights Plan.¹⁴ The Committee on Enforced Disappearances welcomed the adoption of the National Plan on the Search for Persons Who Disappeared between 1980 and 2000, the creation of the Directorate General for the Search for Disappeared Persons and the creation of the Genetic Databank for Use in Locating Disappeared Persons in Peru.¹⁵

10. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Intersectoral Protocol for the Government's participation before international and regional human rights mechanisms and capacities of the national mechanism for reporting and follow-up.¹⁶

11. The Committee against Torture remained concerned about the abusive use of states of emergency.¹⁷ The Committee on the Elimination of Racial Discrimination was concerned that preventive states of emergency were decreed in regions inhabited primarily by Indigenous Peoples.¹⁸

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

12. The Committee on the Elimination of Racial Discrimination urged Peru to incorporate into its legislation an explicit prohibition of racial discrimination that meets all the requirements established in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.¹⁹ The United Nations country team recommended that Peru take appropriate measures to strengthen the regulatory and institutional anti-discrimination framework.²⁰

13. The United Nations country team acknowledged the action taken by the State to eradicate discrimination and stereotypes, including the adoption of the National Policy for the Afro-Peruvian People to 2030, the National Gender Equality Policy, the Multisectoral Strategic Plan for Gender Equality, the National Human Rights Plan 2018–2021 and the Racism Alert Platform.²¹ The Committee on the Elimination of Racial Discrimination urged Peru to ensure the effectiveness of the work of the National Commission against Discrimination and the Racism Alert Platform in the fight against racial discrimination by

allocating sufficient resources and ensuring an adequate degree of cross-sectoral representation.²²

14. The same Committee remained concerned that structural racial discrimination against Indigenous Peoples and the Afro-Peruvian population persisted, that they were victims of racial prejudice and that negative stereotypes were propagated on television.²³ The Working Group of Experts on People of African Descent noted that poor implementation of the State's robust anti-discrimination framework had led to a profound denial of access for Afro-Peruvians to public administration, goods and services.²⁴

15. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that recent years had seen an increase in discriminatory and xenophobic rhetoric towards the foreign population in Peru, including by public servants and presidential candidates.²⁵

2. Right to life, liberty and security of person, and freedom from torture

16. The Committee against Torture was concerned at the number of persons killed or injured as a result of security forces' response to protests against mining projects and other extractive industries.²⁶

17. The Committee on the Elimination of Racial Discrimination remained concerned about allegations of the excessive use of force against Indigenous Peoples who opposed extractive projects, and that the Peruvian National Police's impartiality might be undermined by service delivery agreements with mining companies operating in Indigenous territories.²⁷ It recommended that Peru prevent the excessive use of force, ill-treatment and abuse of authority.²⁸ The United Nations country team recommended that Peru implement measures to prevent human rights violations in the context of protests and prioritize efforts to ensure effective access to justice, truth, reparation and guarantees of non-repetition.²⁹ The Committee against Torture had received information that the Congress of Peru had adopted the Police Protection Act (No. 31012), which eliminated the explicit requirement of proportionality in the use of force by the police and granted officers special legal protections.³⁰

18. The Committee on Enforced Disappearances recommended that Peru ensure that the absolute prohibition of enforced disappearance was enshrined in national legislation.³¹ The United Nations country team recommended that Peru strengthen systems for preventing and investigating enforced disappearances and those used to search for, provide reparation to and commemorate all victims by incorporating a gender-based approach, and that it take measures to recognize the role of victims.³²

19. The Committee against Torture considered the new definition of torture contained in article 321 of the Criminal Code, as amended, to be incomplete, and urged Peru to modify it.³³ The United Nations country team recommended that Peru establish a central register of complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment.³⁴

20. The Committee against Torture noted that overcrowding was a major problem facing the prison system, as well as poor quality of food, water supply and sanitation problems, shortages in medical and health-care services, and corruption among prison officials.³⁵ It urged further efforts to ease overcrowding in detention centres by using non-custodial sentences.³⁶ The Committee on the Elimination of Discrimination against Women recommended that Peru provide an appropriate environment for women detainees who were pregnant and ensure women's access to adequate health services, including obstetric and gynaecological services.³⁷ The United Nations country team recommended that Peru make reasonable accommodation for persons with disabilities deprived of their liberty, refugees and migrants, lesbian, gay, bisexual, transgender, questioning and intersex persons, and pregnant women.³⁸

3. Human rights and counter-terrorism

21. In 2018, the Committee against Torture remained concerned that members of terrorist organizations and persons prosecuted for terrorism or justification of terrorism were not

granted the status of victims and were not eligible for reparations programme benefits until such time as their legal status had been determined.³⁹

4. Administration of justice, including impunity, and the rule of law

22. The United Nations country team highlighted the adoption of the national strategy for the implementation of the national specialized justice system for the protection of victims of violence against women and family members and the punishment of perpetrators and the regulations implementing Act No. 30926, as well as the adoption of Legislative Decree No. 1348 concerning the national youth centres programme.⁴⁰ The Committee on the Elimination of Discrimination against Women welcomed the adoption of the National Policy for the Reform of the Justice System 2021–2025.⁴¹ The United Nations country team recommended that Peru allocate an adequate budget for the operation of the national specialized justice system for the protection of victims of violence against women and family members and the punishment of perpetrators, and that it provide the necessary budgetary resources to the judiciary, the Public Prosecution Service, the Public Defence Service and the Attorney General's Office.⁴²

23. The Committee against Torture was concerned about the large number of persons in pretrial detention, sometimes for prolonged periods, and urged that pretrial detention not be excessively prolonged.⁴³

24. The Committee on the Elimination of Racial Discrimination was concerned about the small number of complaints of racial discrimination filed, and that Afro-Peruvians and Indigenous Peoples faced difficulties in gaining access to justice.⁴⁴ The Committee on the Elimination of Discrimination against Women recommended that Peru ensure systematic and mandatory capacity-building for judges, prosecutors, public defenders, lawyers and the police on women's rights and gender equality.⁴⁵

25. The Committee against Torture remained concerned at the limited progress made in the investigation of serious human rights violations committed during the internal armed conflict between 1980 and 2000.⁴⁶ It recommended the allocation of sufficient resources for the implementation of the Comprehensive Reparations Plan.⁴⁷ The Committee on the Elimination of Discrimination against Women welcomed the creation of the Plan.⁴⁸

26. The same Committee noted with concern reports of forced sterilization of women and girls, particularly those with intellectual and psychosocial disabilities.⁴⁹ The Committee against Torture welcomed the filing of a criminal complaint by the Public Prosecution Service on 12 November 2018 against doctors and senior officials for their indirect involvement in the forced sterilization of more than 2,000 women.⁵⁰ The Committee on the Elimination of Racial Discrimination urged Peru to ensure access for victims of forced sterilization to the Registry of Victims of Forced Sterilization.⁵¹

27. The United Nations country team recommended that Peru strengthen the inter-institutional capacity of the Government, civil society, youth organizations and employers' and workers' organizations to prevent, report and punish acts of corruption.⁵² In July 2022, OHCHR noted that polarization had deepened over recent months.⁵³

5. Fundamental freedoms and the right to participate in public and political life

28. The United Nations Educational, Scientific and Cultural Organization (UNESCO), noting that Peru had criminalized defamation under articles 130–138 of the Criminal Code, with fees, community service, and up to three years' imprisonment as penalties, UNESCO recommended that Peru decriminalize defamation, especially regarding those articles.^{54, 55} Noting that Grupo El Comercio controlled almost 80 per cent of the press market, UNESCO recommended that Peru reduce excessive concentration of media ownership and develop effective regulations to prevent undue ownership concentration and promote plurality.^{56, 57}

29. The Special Rapporteur on human rights defenders, the Committee on the Elimination of Racial Discrimination and OHCHR were concerned about the situation of human rights defenders, particularly environmental, land and Indigenous Peoples' rights defenders.⁵⁸ The Committee on the Elimination of Discrimination against Women and the Special Rapporteur remained concerned about intimidation and reprisals against women human rights

defenders.⁵⁹ The Special Rapporteur was concerned about the stigmatization, lack of recognition and criminalization of defenders, persistent problematic practices in the management of assemblies in the context of social protests, and the lack of effective protection responses for defenders at risk.⁶⁰ The Committee against Torture recommended that Peru investigate promptly, thoroughly and impartially all violations committed against defenders.⁶¹ OHCHR noted that journalists, particularly women journalists, had faced harassment, and that defenders needed effective protection and a safe and enabling environment for their work.⁶² In October 2022, three special procedure mandate holders expressed concern that the criminalization of women activists through defamation lawsuits would silence victims of sexual harassment.⁶³

30. In 2021, Peru informed the Committee against Torture and the Committee on the Elimination of Racial Discrimination, in follow-up to their concluding observations on their periodic reports, about the adoption in 2019 of a protocol to ensure the protection of human rights defenders.⁶⁴ The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2021 of an intersectoral mechanism for the protection of human rights defenders, and a sectoral protocol for the protection of environmental defenders.^{65, 66} The United Nations country team recommended that Peru allocate budgetary resources to strengthen the logistical response designed to ensure protection for human rights defenders and that it pass a law allowing for coordinated action among authorities at the national level.⁶⁷ UNESCO recommended that Peru strengthen the intersectoral mechanism by facilitating the recognition of journalists as human rights defenders.⁶⁸

31. The Committee on the Elimination of Discrimination against Women and the United Nations country team welcomed the increased participation of women in political and public life and the adoption of Act No. 31155 (2021), on preventing and punishing harassment against women in political life, and Act No. 31030 (2020), amending rules in electoral legislation to ensure gender parity and alternation in lists of candidates.⁶⁹ The United Nations country team recommended that Peru carry out awareness-raising campaigns to ensure that political harassment and hate speech are prevented and that it promote parity in access to decision-making positions in public entities.⁷⁰

6. Right to marriage and family life

32. The United Nations country team and the United Nations Children's Fund (UNICEF) recommended that Peru prevent the legislative proposal that would automatically grant shared custody to both parents from being adopted, as it violated the principle of the best interests of the child.⁷¹

7. Prohibition of all forms of slavery, including trafficking in persons

33. The Committee on the Elimination of Discrimination against Women noted that Peru continued to be a country of origin, transit and destination for trafficking in persons, in particular women and girls, for the purposes of sexual exploitation, including online and sex tourism.⁷² The same Committee and the United Nations country team welcomed the adoption of the National Policy against Trafficking in Persons and its Forms of Exploitation by 2030, and the Committee against Torture commended Peru for the adoption of the National Plan of Action to Combat Trafficking in Persons 2017–2021.⁷³ The United Nations country team recommended that Peru strengthen procedures for identifying, referring and ensuring timely assistance for victims of trafficking, including by ensuring sufficient budgetary allocations, and that it develop a monitoring and evaluation mechanism to address the causes of trafficking and exploitation.⁷⁴

34. The Committee on the Elimination of Racial Discrimination urged Peru to allocate the resources necessary for the proper implementation of the Third National Plan to Combat Forced Labour, and to strengthen the National Committee against Forced Labour and the labour inspection system.⁷⁵

8. Right to work and to just and favourable conditions of work

35. The ILO Committee of Experts requested Peru to include in the legislation the principle of equal remuneration for men and women for work of equal value.⁷⁶ The Working

Group on the issue of human rights and transnational corporations and other business enterprises recommended that Peru strengthen the institutional capacity of the Labour Inspection Authority.⁷⁷

36. The Committee on the Elimination of Discrimination against Women welcomed the adoption, in 2021, of the National Policy for Decent Employment, but was concerned that women facing intersecting forms of discrimination had limited access to employment.⁷⁸ It recommended that Peru establish hiring quotas and employment retention schemes to promote their access to formal employment.⁷⁹ The Working Group on business and human rights recommended that Peru address the discrimination faced by lesbian, gay, bisexual, transgender and intersex people in gaining access to the labour market and in the workplace.⁸⁰

37. The Committee on the Elimination of Racial Discrimination urged Peru to provide effective protection to all domestic workers and to strictly enforce the laws and regulations governing domestic work.⁸¹ The United Nations country team recommended that Peru strengthen initiatives such as the “child-labour free” seal used in the tourism, sports and technology sectors.⁸²

9. Right to social security

38. The Committee on the Elimination of Discrimination against Women was concerned about delays in the adoption of the draft law on the creation of a national care system, and recommended that Peru increase women’s access to the national social security system.^{83, 84} The Committee on the Rights of Persons with Disabilities requested information about measures taken to ensure that persons with disabilities had access to social security services.⁸⁵

10. Right to an adequate standard of living

39. The United Nations country team recommended that Peru develop strategies aligned with the 2030 Agenda for Sustainable Development.⁸⁶ The Committee on the Elimination of Discrimination against Women remained concerned about the disproportionately high levels of poverty and inequality in access to economic and social benefits faced by disadvantaged and marginalized groups of women.⁸⁷

40. The United Nations country team recommended that Peru adopt measures to reduce homelessness among vulnerable groups throughout the country and provide effective remedies for victims of forced evictions.⁸⁸

41. In July 2022, OHCHR noted that some 15.5 million people in Peru were considered food insecure, which could worsen in the coming months owing to shortages of fertilizers needed in the approaching planting season.⁸⁹ The United Nations country team recommended that Peru raise awareness of the Food Security Act, devise a policy to encourage family farming and improve water supply and sanitation for vulnerable groups.⁹⁰

42. The Working Group of Experts on People of African Descent noted that the pervasiveness of the structural discrimination that Afro-Peruvians endured was reflected in disparities in education, employment, housing, health and living standards.⁹¹

11. Right to health

43. In July 2022, OHCHR noted that Peru was still recovering from the coronavirus disease (COVID-19) pandemic, which had been devastating for its people, resulting in the world’s highest per capita death rate, and that the pandemic had particularly affected people living in rural areas, people living in poverty and marginalized and disadvantaged groups.⁹² In 2020, the Committee on the Elimination of Racial Discrimination was alarmed by the increasing spread of COVID-19 among Indigenous Peoples living in the Amazon region of Peru and the absence of specific measures for Indigenous Peoples in the early response to the pandemic.⁹³

44. The Committee on the Elimination of Discrimination against Women noted with concern that, according to the National Survey on Health and Family conducted in 2019, 12.6 per cent of women and girls between 15 and 19 years old had children or were pregnant.⁹⁴ UNICEF shared similar concerns.⁹⁵ The United Nations country team reported an increase in

the maternal mortality rate in 2020, and noted that there had been a three-fold increase in the number of girls under the age of 10 who were forced to become mothers.⁹⁶

45. The Committee against Torture was concerned that, in practice, access to therapeutic abortion was still not guaranteed in cases of rape, incest or severe fetal impairment.⁹⁷ The Committee on the Elimination of Discrimination against Women recommended that Peru legalize abortion in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, and decriminalize it in all other cases.⁹⁸ UNICEF recommended that Peru strengthen the capacity of the health system to guarantee the availability of mental, sexual and reproductive health-care services and access to modern contraceptive methods and emergency oral contraception.⁹⁹

46. The United Nations country team recommended that Peru take a holistic approach to ensuring access to high-quality HIV/AIDS prevention, treatment, care and support services, including for the refugee and migrant population.¹⁰⁰

12. Right to education

47. The United Nations country team reported that the adoption of Act No. 31498 placed the Intercultural Bilingual Education Programme and the associated National Plan, the language standardization process and the comprehensive sexuality education guidelines for basic education at risk.¹⁰¹ The United Nations country team recommended that Peru reformulate the Act, since it has an impact on the exercise of the right to education, and that it increase budgets on the basis of equity considerations in order to address the gaps generated by the coronavirus disease (COVID-19) pandemic, placing a special emphasis on educational spaces.¹⁰²

48. UNICEF recommended that the Ministry of Education of Peru effectively incorporate a gender perspective in the school curriculum and develop the necessary actions to repeal the law requiring parental involvement in the development of educational materials.¹⁰³

49. The Committee on the Elimination of Discrimination against Women was concerned that the high illiteracy rates disproportionately affected women and girls from marginalized communities.¹⁰⁴ UNESCO recommended that Peru continue to strengthen efforts to ensure the right to education of all learners in remote areas.¹⁰⁵

50. The Committee on the Elimination of Racial Discrimination was concerned about the difficulties that children and adolescents belonging to Indigenous Peoples and the Afro-Peruvian community faced in gaining access to quality education, particularly in rural and remote areas. It recommended that Peru ensure the proper implementation of the National Plan for Intercultural Bilingual Education, allocating sufficient resources and strengthening the National Commission on Intercultural Bilingual Education.¹⁰⁶ The Working Group of Experts on People of African Descent recommended that Peru revise and develop specific curricula and corresponding teaching materials that recognized history and the contribution of Afro-Peruvians to Peru.¹⁰⁷

51. UNESCO recommended that Peru continue efforts to ensure the full inclusion in education of persons with disabilities, girls and women, and minorities, in accordance with the Convention against Discrimination in Education.¹⁰⁸

13. Cultural rights

52. UNESCO encouraged Peru to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expression, giving due consideration to the participation of communities, practitioners, cultural actors, civil society organizations and groups in vulnerable situations.¹⁰⁹

14. Development, the environment, and business and human rights

53. The United Nations country team acknowledged the efforts made by Peru to strengthen resilience to climate change, highlighting Act No. 30754, the Framework Act on Climate Change and its implementing regulations and the National Climate Change Adaptation Plan, among others.¹¹⁰ The United Nations country team recommended that Peru strengthen the capacities of local and regional governments and of the national Government

to incorporate mitigation and adaptation measures in their environmental, climate change and disaster risk management policies, laws and regulations.¹¹¹

54. The Committee on the Elimination of Discrimination against Women noted with concern the adverse impact of mineral, oil extraction and large-scale agricultural industries on rural women's health and the environment, particularly for Indigenous, Afro-Peruvian and other women of African descent.¹¹² OHCHR noted that remediation of contamination left by past projects had still not been fully implemented.¹¹³ The Working Group on business and human rights recommended that Peru integrate human rights aspects into systems and procedures for environmental impact assessments.¹¹⁴

55. OHCHR noted that the private sector had an important role to play through the development of both voluntary and mandatory measures to implement corporate due diligence.¹¹⁵ The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2021 of the National Environmental Policy¹¹⁶ and the National Action Plan on Business and Human Rights (2021–2025).¹¹⁷ The United Nations country team recommended that Peru allocate specialized human resources and an adequate budget to ensure the application of the indicators and targets established in the National Action Plan on Business and Human Rights 2021–2025.¹¹⁸ The Working Group on business and human rights recommended that Peru build capacity and raise awareness among public authorities, including judicial authorities and lawmakers, of the Guiding Principles on Business and Human Rights, and require State-owned enterprises to exercise human rights due diligence, in line with the Guiding Principles.¹¹⁹

B. Rights of specific persons or groups

1. Women

56. The Committee on the Elimination of Discrimination against Women remained concerned at the pervasiveness of patriarchal attitudes, the social legitimization of harmful practices against women and girls, and the high prevalence of gender-based violence and discrimination against women with disabilities, lesbian, bisexual and transgender women and intersex persons, refugee or asylum-seeking and migrant women and Indigenous and Afro-Peruvian women.¹²⁰ It recommended that Peru implement a comprehensive strategy across all sectors to eliminate discriminatory stereotypes on the roles and responsibilities of women and men.¹²¹

57. The United Nations country team recognized the legislative advances in addressing gender violence represented by Act No. 30364, the National Gender Equality Policy, the results-oriented budget programme for the reduction of violence against women and the national strategy for the prevention of gender-based violence entitled “Women Free From Violence”, among others. However, as at March 2022, the Ministry for Women and Vulnerable Groups had registered more than 5,000 cases of sexual violence and 33 cases with characteristics of femicide.¹²² Two Committees also recognized legislative and policy advances.¹²³ The United Nations country team recommended that Peru strengthen prevention and multisectoral intervention capacities for addressing gender-based violence.¹²⁴

58. The Committee on the Elimination of Discrimination against Women was concerned about high levels of gender-based violence against women, which had been exacerbated since the onset of the COVID-19 pandemic.¹²⁵ It recommended that Peru approve the new national policy for the prevention and attention to gender violence 2022–2027.¹²⁶

2. Children

59. The United Nations country team expressed its concern about child, early and forced marriage, which was more prevalent among the most disadvantaged population groups and in rural and Amazonian regions.¹²⁷ The Committee on the Elimination of Discrimination against Women and UNICEF recommended that Peru amend the Civil Code to expressly prohibit the marriage of children and adolescents.¹²⁸ The United Nations country team recommended that Peru strengthen multisectoral capacities to address the complexity and impact of child marriage.¹²⁹

60. The United Nations country team acknowledged the legislative progress made towards addressing and eliminating corporal punishment. However, it reported that 6 out of 10 children between the ages of 9 and 11 and 7 out of 10 children between the ages of 12 and 17 had suffered violence.¹³⁰ UNICEF recommended that Peru take measures to eliminate violence against children and adolescents, especially indigenous children, children in rural areas and children with disabilities.¹³¹

61. UNICEF stated that Peru had made progress in reforming the alternative care system and had an adequate regulatory framework, but that the use of protection measures that entailed family separation remained very much standard practice.¹³²

3. Older persons

62. The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2021 of the National Multisectoral Policy for Older Persons to 2030.¹³³ The Committee on the Rights of Persons with Disabilities requested information on measures taken to repeal the provision in article 4 of Legislative Decree No. 1310 under which additional measures to streamline administrative procedures were approved and that provided for notarial interdiction regarding older people.¹³⁴ The Working Group of Experts on People of African Descent recommended that Peru develop a national policy for older Afro-Peruvians.¹³⁵

4. Persons with disabilities

63. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Legislative Decree No. 1384 (2018), recognizing and regulating the legal capacity of persons with disabilities on equal terms, and the National Multisectoral Policy on Disability for Development to 2030.¹³⁶

64. The same Committee recommended that Peru address intersecting forms of discrimination against women and girls with disabilities and ensure their access to justice, protection from gender-based violence, inclusive education, employment and health services, including sexual and reproductive health services.¹³⁷

65. The United Nations country team recommended that Peru improve the legal and regulatory frameworks related to the rights of persons with disabilities, make reasonable accommodation and consult with persons with disabilities on regulatory measures that may affect the exercise of their rights.¹³⁸

5. Indigenous Peoples and minorities

66. The Committee on the Elimination of Racial Discrimination was concerned by the absence of effective mechanisms for the protection of Indigenous Peoples' rights to their lands, territories and resources and the widespread concentration of land and the exploitation of natural resources by private entities, which continued to provoke serious social conflicts.¹³⁹

67. The same Committee was concerned that the Indigenous Peoples' right to prior consultation was not applied regarding legislative measures, and about shortcomings of procedures for prior consultation on development projects, including mining projects, located in Indigenous territories.¹⁴⁰ The United Nations country team recommended that Peru guarantee the right to prior consultation and the right to land and that it move forward with the implementation of the National Policy for Afro-Peruvian People to 2030.¹⁴¹

68. The Committee on the Elimination of Racial Discrimination was concerned that, despite the establishment of Indigenous reserves, natural resources development projects continued to threaten the physical and cultural survival of Indigenous Peoples in voluntary isolation or initial contact, particularly in the Isconahua, Murunahua, Mashco Piro and Kugapakori, Nahu and Nanti reserves.¹⁴²

69. The Working Group of Experts on People of African Descent reported that, despite its institutional and policy framework, Peru continued to face challenges in realizing the civil, political, economic, social and cultural rights of Afro-Peruvian people.¹⁴³

6. Lesbian, gay, bisexual, transgender and intersex persons

70. While welcoming the adoption of Act No. 30364 on the prevention, punishment and eradication of violence against women and their families, enacted through Supreme Decree No. 009–2016-MIMP of 26 July 2016, the Committee on the Elimination of Discrimination against Women regretted that the Act did not tackle discrimination on the basis of sexual orientation and gender identity.¹⁴⁴ The United Nations country team recommended that Peru make regulatory changes to guarantee the rights of lesbian, gay, bisexual, transgender, questioning and intersex persons, according families composed of lesbian, gay, bisexual, transgender, questioning and intersex persons the right to adopt and the right of filiation in respect of their children and recognizing the gender identity rights of transgender and intersex persons.¹⁴⁵

71. The Human Rights Committee requested information about measures taken to eradicate discrimination on the basis of sexual orientation and gender identity and to prevent violence against lesbian, gay, bisexual, transgender and intersex persons.¹⁴⁶

7. Migrants, refugees and asylum-seekers

72. OHCHR and UNHCR recognized the efforts of Peru in responding to the arrival of 1.3 million refugees and migrants.¹⁴⁷

73. The United Nations country team recommended that Peru strengthen the National Migration Policy 2017–2025 by incorporating a human rights, gender and intercultural perspective.¹⁴⁸

74. UNICEF stated that Peru had made considerable efforts to establish mechanisms for the regularization of migration status. However, due to high administrative costs, the documentation required and/or lack of information on the processes, a large percentage of the population remained in an irregular migration situation.¹⁴⁹ UNHCR recommended that Peru establish a uniform mechanism for receiving asylum claims at its borders, and provide clear and straightforward information for those seeking international protection.¹⁵⁰ UNICEF recommended that Peru develop comprehensive migration regularization mechanisms that took a rights-based approach and had accessible requirements in terms of administrative costs and documentation.¹⁵¹

75. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Peru ensure that detention of migrant workers in an irregular situation was a last-resort measure, and that detention was compliant with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹⁵²

76. UNHCR noted that the asylum, immigration and child-protection legislation did not provide for adequate protection of unaccompanied and separated children.¹⁵³ UNHCR recommended that Peru continue promoting child-centred approaches and specialized services to respond to the needs of separated and unaccompanied refugee and migrant children and adolescents, strengthening alternative care mechanisms.¹⁵⁴

8. Internally displaced persons

77. The United Nations country team recommended that Peru strengthen the protection and advancement of the rights of internally displaced persons, particularly in the response to the COVID-19 pandemic and for those affected by natural disasters, and that it increase their level of participation in public and political affairs affecting them.¹⁵⁵

9. Stateless persons

78. UNHCR noted that though Peru had ratified the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, there was no national legislation creating a procedure for the determination of statelessness or laying down the rights of stateless persons.¹⁵⁶

79. The Human Rights Committee and the Committee on the Rights of the Child asked about the steps taken to ensure birth registration and access to identity documents for all

children born in Peru, particularly those born in the border areas of the Amazon Basin, Indigenous children, children living in rural or remote areas and migrant, refugee and asylum-seeking children.¹⁵⁷ The Committee on the Elimination of Discrimination against Women recommended that Peru remove the requirement of parents' official documentation for the issuance of birth certificates and ensure that birth certificates were issued to all children born in Peru.¹⁵⁸

Notes

- 1 [A/HRC/37/8](#), [A/HRC/37/8/Add.1](#) and [A/HRC/37/2](#).
- 2 [CERD/C/PER/CO/22-23](#), para. 42; and United Nations country team submission for the universal periodic review of Peru, p. 2.
- 3 [CERD/C/PER/CO/22-23](#), para. 29 (d).
- 4 United Nations country team submission, p. 4; and [A/HRC/46/35/Add.2](#), para. 83 (a).
- 5 See <https://www.ohchr.org/en/statements-and-speeches/2022/07/un-high-commissioner-human-rights-michelle-bachelet-concludes-her>.
- 6 United Nations country team submission, p. 2.
- 7 See OHCHR, *United Nations Human Rights Report 2021*, pp. 293–297.
- 8 See <https://www.ohchr.org/en/statements-and-speeches/2022/07/un-high-commissioner-human-rights-michelle-bachelet-concludes-her>.
- 9 See <https://www.ohchr.org/en/countries/peru>.
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