



General Assembly

Distr.: General
20 February 2013
English
Original: Spanish

Human Rights Council
Twenty-second session
Agenda item 6
Universal Periodic Report

Report of the Working Group on the Universal Periodic Review*

Peru

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to United Nations translation services.

1. In presenting the oral report of Peru to the United Nations Human Rights Council as part of the universal periodic review (UPR) process, which took place on 1 November 2012, Peru wishes to reiterate its deep commitment to complying with international human rights standards.
2. It also recognizes the importance of this review as a mechanism to encourage national and inter-State dialogue, thus promoting the exchange of best practices in human rights worldwide.
3. Experience of the process during this second UPR cycle has enabled Peru to review public policies adopted on human rights, to monitor the progress made and the challenges remaining in order to implement the international treaties to which it is party and, in particular, to give careful consideration to the recommendations made during the first UPR cycle.
4. Peru has demonstrated a spirit of openness, transparency and respect for the international human rights system by undergoing a critical assessment by States parties. In this regard, it is noteworthy that, of the 129 recommendations made, 120 were accepted on the day of the State party's presentation, leaving only 9 for subsequent consideration.
5. In this spirit, Peru has established an open dialogue with representatives of its various bodies to consider the recommendations still pending and also welcomes the interest of States parties in encouraging the country's progress in human rights.
6. Peru has therefore carefully considered the nine outstanding recommendations and is pleased to share the following comments for inclusion in the final report:

Recommendation No. 119.1

“Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP 2) (Spain); Formalise the political engagement with relation to the death penalty by signing and ratifying ICCPR-OP 2, aimed at abolishing the death penalty (Belgium); Abolish the death penalty completely and ratify the ICCPR-OP 2 (United Kingdom of Great Britain and Northern Ireland); Abolish the death penalty in all circumstances and ratify ICCPR-OP 2 (France); Abolish the death penalty for all crimes, and ratify ICCPR-OP 2 (Portugal); Abolish de jure the death penalty and ratify ICCPR-OP 2 (Costa Rica); Abolish the death penalty (Slovenia).”

7. The 1993 Constitution of Peru (art. 140) provides for the death penalty only for exceptional crimes (terrorism and treason), and only insofar as it is in accordance with the human rights laws and treaties to which Peru is a party.
8. With regard to the enforcement of the death penalty, it should be noted that the Peruvian Criminal Code does not provide for the death penalty. However, the Military and Police Criminal Code includes, in the section on Crimes against National Defence (art. 58), the offence of treason, stating that: “In the event of a foreign war, the death penalty may be imposed, in accordance with our legislation.”
9. Notwithstanding the above, it should be noted that no death sentence has been carried out for several decades, nor have any death sentences been recorded since 1979. Thus, Peru has maintained a de facto moratorium on the enforcement of the death penalty.
10. In this regard, Peru will promote dialogue and reflection on this issue in public forums and debates nationwide, involving both public officials and civil society.

Recommendation No. 119.2**“Ratify the Optional Protocol to the International Covenant on Economic Social and Cultural Rights (ICESCR-OP) (Spain).”**

11. Peru agrees with the concept and importance of the enforceability of economic, social and cultural rights to ensure their full enjoyment and exercise, and has been taking steps to achieve that objective. These include the adoption of a resolution of the National Human Rights Council (CNDH), which expressed its support for the possible accession by Peru to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

12. Thus, Peru will promote dialogue and public debate on the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Recommendation No. 119.3**“Amend article 140 of the Constitution and continue to protect the institution of the natural family (Holy See).”**

13. With regard to the amendment of article 140 of the Constitution, Peru reiterates its comments on recommendation No. 119.1. It also partially accepts the second part of recommendation 119.3 and agrees on the importance of protecting the family, further recognizing, as required by the case law of the Constitutional Court, the need to protect other family models, including, for example, reconstituted families and single-parent families.

Recommendation No. 119.4**“Prohibit child labour under the age of 15, and of those who have not yet completed compulsory education (Honduras).”**

14. It is the policy of Peru to ensure that every child or adolescent has an education, in accordance with article 17 of the Peruvian Constitution.

15. The current Child and Adolescent Code (CNA), adopted under Act No. 27337, provides for different minimum ages for admission to employment, which are raised depending on the type of activity undertaken. It also stipulates a generic minimum age of 14 years, applicable to all activities for which no specific higher minimum age has been fixed. Thus, the current minimum ages in force in Peru for admission to employment are:

- 17 years: Specified minimum age for work in industrial fisheries;
- 16 years: Specified minimum age for industrial, commercial or mining work;
- 15 years: Specified minimum age for non-industrial agricultural labour;
- 14 years: Specified minimum age for non-generic activities not referred to above.

16. It is important to emphasize that article 22 of the CNA allows for adolescents to work within the age ranges listed above as long as there is no economic exploitation and the activity poses no risk or danger, has no impact on their education and is not harmful to their health or their physical, mental, spiritual, moral or social development.

17. In line with the above, through the National Steering Committee on the Prevention and Elimination of Child Labour (CEPETI), Peru has been taking steps to reduce child labour nationwide, to which end, on 4 July 2012 the committee adopted the “National Strategy for the Prevention and Elimination of Child Labour 2012–2021”.

18. Lastly, it should be noted that Peru is currently considering comprehensive amendments to the CNA, which include raising the generic minimum age for admission to employment to 15 years.

Recommendation No. 119.5

“Repeal criminal defamation laws in order to combat reprisals against the journalists and human rights defenders (Netherlands).”

19. Peru underscores its respect for freedom of the press and for the activities of human rights defenders, which obviates the need for make reference to any form of reprisal against them. There is no systematic persecution of either journalists or human rights defenders.

20. Article 2, paragraph 4, of the Peruvian Constitution recognizes freedom of information, opinion, expression and dissemination of ideas. The American Convention on Human Rights (art. 13), to which Peru is a party, continues in the same vein.

21. Freedom of speech prevails in Peru and this is reflected daily in the headlines of newspapers, televised news, radio programmes, etc. Peru welcomes the work carried out by journalists and shares the idea that public officials should be subject to greater scrutiny by society, as this will strengthen the rule of law and the democratic system.

22. Peru has an effective institutional and legal framework (Public Prosecutor, Judiciary and Ombudsman) to ensure that journalists and human rights defenders are fully able to carry out their activities and duties.

Recommendations Nos. 119.6 and 119.7

“Guarantee the full recognition of sexual and reproductive rights (France).”

“Ensure the promotion and protection of reproductive rights of women in agreement with international standards (Portugal).”

23. In recent years, Peru has made significant progress towards ensuring the enjoyment of sexual and reproductive rights. In this regard, it should be noted that the Ministry of Health, in the National Health Strategy on Sexual and Reproductive Health, has updated policy documents (Family Planning Technical Standard and Guidance/Counselling Manual on Sexual and Reproductive Health) to standardize processes and include the widest range of current contraceptives such as the female condom, implant and monthly injectable contraceptive. Furthermore, to ensure that this initiative is sustainable, these methods have been included in the programme cost structure for 2013.

24. With regard to the promotion of sexual and reproductive health education for adolescents, it is important to note that the National Curriculum Design for Regular Basic Education (DCN) has established “*the promotion of adolescent sexual and reproductive health*” as a core subject in the school curriculum. Similarly, the curriculum includes the subject in the “Individual, Family and Human Relations”, which is taught in each of the five grades at secondary education level.

25. Peru is making every effort to respect, guarantee and promote the sexual and reproductive rights of all. We therefore consider that steps taken by the Government are in line with these recommendations.

Recommendation No. 119.8

“Review its restrictive interpretation of therapeutic abortion and decriminalisation of abortion in cases of rape, as recommended by CEDAW (Slovenia).”

26. Regarding abortion, under the Peruvian Criminal Code abortion in general, with the exception of therapeutic abortion, is a punishable act, as was explained by the national delegation during the oral part of the universal periodic review.

27. The practice of therapeutic abortion is generally carried out by a doctor, with the consent of the pregnant woman, “(...) *when it is the only way to save the latter’s life, or to avoid serious and permanent harm to her health.*”

Recommendation No. 119.9

“Establish national protocols for abortion in accordance with the conclusion of the UN Human Rights Committee in 2005, as a measure to improve women’s sexual and reproductive rights (Norway).”

28. In Peru, there are guides for use at the local level that are being employed by certain hospitals in the country for cases of therapeutic abortion. A draft technical guide on comprehensive care for the termination of pregnancies up to 22 weeks gestation has also been drawn up, which is currently under consultation.

29. In this regard, Peru has been working towards the early adoption of this draft guide to protect the sexual and reproductive rights of women in Peru.
