



General Assembly

Distr.: General
24 July 2012
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Fourteenth session
Geneva, 22 October–5 November 2012

Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 16/21

Peru*

The present report is a summary of 25 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. The Ombudsman's Office highlighted the fact that work had begun on the formulation of the National Human Rights Plan 2012–2016 and underscored the importance of establishing indicators and benchmarks to measure its impact.²

2. The Ombudsman's Office stressed the need to designate or to establish, without delay, the national preventive mechanism called for by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to guarantee its independence, as well as to ensure that the resources necessary for its effective operation would be made available. The deadline for appointing the national preventive mechanism had passed on 14 October 2007 and, in 2011, a proposal that the Ombudsman's Office be designated as the national preventive mechanism had been submitted. The Ombudsman's Office drew attention to the need to earmark sufficient budgetary funds to enable the national preventive mechanism to fulfil its mandate under the Optional Protocol.³

B. Implementation of international human rights obligations

1. Right to life, liberty and security of the person

3. The Ombudsman's Office stated that it viewed the inclusion of the offence of femicide in the Criminal Code as a step forward.⁴

4. The Ombudsman's Office indicated that the current Criminal Code does not penalize therapeutic abortions.⁵ Recently, the Ministry of Health sought the opinion of the Ombudsman's Office on the draft version of a technical guide on the provision of comprehensive care in the event of the voluntary termination (with informed consent) of a pregnancy before 22 weeks for therapeutic reasons.⁶

5. The Ombudsman's Office indicated that the required attention has not been devoted to the situation of persons deprived of their liberty. The prison system is experiencing problems with overcrowding, corruption, insufficient security and safety mechanisms, underfunding and insufficient coverage of the basic needs of persons deprived of their liberty.⁷ A comprehensive reform of the prison system with clearly defined objectives which includes benchmarks and a tracking system is called for. The challenge lies in modernizing the prison system and in using monitoring technologies and employment schemes as alternatives to imprisonment.⁸

6. According to the Ombudsman's Office, Women's Emergency Centres reported 7,570 cases of child abuse in 2011. In addition, the Committee on Reports and Complaints of the Ministry of Education reported 200 cases of abuse of students between January and July last year.⁹ The Ombudsman's Office drew attention to the need to place the explicit prohibition of degrading corporal punishment of children and adolescents on the public agenda and to establish mechanisms for dealing with such cases as part of the advocacy services provided for children and adolescents.¹⁰ The Ombudsman's Office referred to the draft amended version of the Code for Children and Adolescents, which is still awaiting adoption. This new version contains provisions concerning the right to integrity and the

right of students to be respected by their educators, along with an explicit prohibition of degrading corporal punishment.¹¹

2. Administration of justice, including impunity

7. The Ombudsman's Office indicated that difficulties persist as regards access to justice in cases of gender-based violence.¹² Protective measures are not prescribed, penalties are lenient and, in general, no reference is made to international human rights treaties.¹³ The State must adopt public policies to raise awareness about this problem.¹⁴

8. The Ombudsman's Office also indicated that, pursuant to Act No. 28592, which established the Comprehensive Reparations Plan, reparation programmes have been put in place. However, ongoing difficulties have prevented victims from receiving adequate reparation.¹⁵ One cause for concern is the deadline set for identifying beneficiaries of the Individual Economic Reparation Programme (PREI), which is incompatible with the permanent nature of the Central Register of Victims. Once this deadline has passed, a victim of violence may be recognized as such but will not have access to the aforementioned programme.¹⁶ A further cause for concern is the eligibility criteria used and the fact that the parents or guardians of victims are subject to means-testing, as this undermines the reparatory nature of the law, which also fails to take into account the situation of persons with serious illnesses.¹⁷ Moreover, no response has been forthcoming regarding the criteria used to determine the amount of compensation that victims currently receive – criteria which lead to discriminatory treatment. These aspects of the above-mentioned law need to be amended, as was agreed at the High-Level Multisectoral Commission, which is responsible for State policy on reparation, at its regular session on 10 November 2011.¹⁸

3. Right to privacy, marriage and family life

9. The Ombudsman's Office considers that progress has been made in upholding the right to identification, particularly in the case of the elderly. It also indicated that Act No. 29462 of 2009 is designed to eliminate the obstacles encountered by people seeking to obtain a birth certificate, especially in rural areas and within indigenous communities.¹⁹

4. Indigenous peoples

10. The Ombudsman's Office stated that it views the promulgation in 2011 of the Act on the Right of Indigenous or Aboriginal Peoples to Prior Consultation (Act No. 29785) as a step forward.²⁰ However, it indicated that this law was being contested by several organizations.²¹ It also reported that, on 5 June 2009, a confrontation between indigenous peoples and law enforcement officials in the towns of Bagua and Utcubamba left 33 people dead (23 police officers and 10 civilians) and 200 police officers and civilians injured; in addition, 1 police officer was missing. The conflict was triggered by the passage of laws without due consultation with the indigenous communities that are affected by them. The Ombudsman's Office has been drawing attention to this problem ever since 2006.²²

11. The Ombudsman's Office reported that, following the promulgation of Act No. 29785, the Government initiated consultations concerning the implementing regulations for the aforementioned law, but only the Confederación Campesina and the Confederación de Nacionalidades Amazónicas submitted proposals. A number of indigenous organizations (the Confederación Nacional Agraria (CNA), the Asociación Interétnica de Desarrollo de la Selva Peruana (AIDSESP), the Confederación Nacional de Comunidades del Perú Afectadas por la Minería (CONACAMI) and the Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (ONAMIAP)) informed the High-Level Multisectoral Commission that they would not participate in the process until articles 1, 2, 4, 7, 15, 19 and the second final supplementary provision of Act No. 29785 were amended,

since these organizations regard those articles as contravening the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Constitution and the rule of law.²³ The implementation of the law continues to pose a challenge. Moreover, there is also a need to strengthen indigenous institutions and to build the capacity for dialogue of public servants, Government authorities and indigenous leaders.²⁴

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

12. The Inter-American Commission on Human Rights (IACHR) reported that Peru had not ratified the Protocol to the American Convention on Human Rights to Abolish the Death Penalty.²⁵

13. In 2010, the IACHR expressed satisfaction about the repeal of Decree 1097 that could have led to impunity in hundreds of cases involving serious human rights violations that occurred during the armed conflict in the 1980s and 1990s.²⁶

2. Constitutional and legislative framework

14. The Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM-Peru) and joint submission 8 (JS8) recommended aligning the current Criminal Code with the Rome Statute of the International Criminal Court.²⁷

3. Institutional and human rights infrastructure and policy measures

15. The Human Rights Commission highlighted the need to adopt the bill that sets out implementing regulations for the national preventive mechanism (namely, the Ombudsman's Office) in order to ensure its independence and establish mechanisms for linking it with other human rights organizations and with civil society.²⁸

16. CLADEM-Peru recommended that training be provided to public servants and that the gender-sensitive and intercultural components of public policy be strengthened, particularly in the education, health and justice sectors.²⁹

17. Amnesty International (AI) recommended developing, with the participation of all sectors of civil society, a 2012–2016 National Human Rights Plan (NHRP) including a timetable, indicators, adequate resources and clarity on responsibilities for implementation.³⁰ The National Coordinator for Human Rights (CNDDHH) underscored the need to incorporate the demands of minority populations into the Plan.³¹

18. Joint submission 1 (JS1) indicated that the maternal mortality rate remains very high, particularly in marginalized rural areas.³² JS1 recommended strengthening local health committees, promoting the role of community health workers, increasing the number of residential facilities for expectant mothers within establishments providing basic obstetric and neonatal care,³³ and increasing comprehensive health insurance coverage.³⁴

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

19. In reference to recommendation 17,³⁵ made at the universal periodic review in 2008, the Centre for Reproductive Rights (CDR) indicated that little is being done to ensure the implementation of measures aimed at guaranteeing women discrimination-free access to health-care services, including legal abortions. The Centre attributed this situation to the failure to implement two specific decisions, i.e., the Views of the Human Rights Committee in the case of *K.L. v. Peru* and the Views of the Committee on the Elimination of Discrimination against Women in the case of *L.C. v. Peru*.³⁶ The Centre requested the Human Rights Council to recommend that Peru comply with its international obligation to implement the rulings of these United Nations treaty bodies regarding these individual petitions.³⁷

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

1. Equality and non-discrimination

20. The Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos (PROMSEX) (Centre for the Promotion and Protection of Sexual and Reproductive Rights) reported that there is a bill before the legislature designed to combat discrimination against gay, lesbian, bisexual and transgender (LGBT) persons. Joint submission 9 (JS9) recommended that a law be passed to ensure equality and non-discrimination on the basis of sexual orientation and gender identity; that sexual orientation and gender identity be included among the categories protected under Act No. 28983 of 2007 (Equality of Opportunity for Women and Men Act); that legislation which denies or restricts people's rights on the basis of their sexual orientation, gender identity or forms of gender expression be repealed or amended and that equal marriage rights be established by means of an amendment of the Constitution and the Civil Code; that Code MG.66 of annex III of Act No. 29356, which penalizes homosexuality in the national police force, be repealed; that a law be passed to make it permissible for the notation of the name and gender of holders of the national identity document (DNI) to reflect those with which they identify; and that consideration be given to the recommendation made at the last universal periodic review of Peru³⁸ concerning the application of the Yogyakarta Principles as a guide for the development and implementation of policies to protect and promote rights in relation to sexual orientation and gender identity.³⁹

21. Joint submission 6 (JS6) noted that the Persons with Disabilities Act (Act No. 27050) contains no provisions concerning special assistance for women with disabilities.⁴⁰ JS6 recommended that strategic plans be adopted that are aligned with the National Human Rights Plan and that, based on a gender perspective, focus on assistance for women with disabilities in rural and urban areas and in native and indigenous communities.⁴¹

2. Right to life, liberty and security of the person

22. JS9 referred to violence against LGBT persons and recommended that a law be passed that defines and penalizes hate crimes, and that the necessary steps be taken to ensure that the police and the courts carry out investigations into hate crimes committed against LGBT persons and bring the perpetrators of such crimes to justice.⁴²

23. With regard to recommendation No. 16, made during the universal periodic review of 2008,⁴³ it is reported in JS8 that civil society organizations have requested that a national plan be formulated for carrying out the search for persons who disappeared during the

internal armed conflict of 1980–2000. JS8 also recommended that the International Convention for the Protection of All Persons from Enforced Disappearance be ratified and that a national plan for carrying out the search for disappeared persons be drawn up.⁴⁴

24. Human Rights Watch (HRW) referred to reports of beatings by police and military personnel, prison guards, and members of municipal security patrols, as recorded by the National Human Rights Ombudsman.⁴⁵ HRW recommended that the Peruvian National Police refrain from all use of unlawful force during civil demonstrations or protests.⁴⁶

25. JS6 called for the repeal of Act No. 29737, which permits the involuntary institutionalization of persons with mental disorders.⁴⁷

26. Expressing concern about overcrowding in prisons, JS7 recommended addressing this issue. Concerned about the situation of children of incarcerated mothers and of foreign detainees, it recommended promoting the mother/child bond by ensuring regular visits of children to their incarcerated mother; promoting alternative sentences for mothers and; ensuring access to adequate health care and legal assistance for detainees.⁴⁸

27. CLADEM-Peru recommended passage of a framework law for the eradication of the various manifestations of violence against women, such as domestic violence, sexual violence, political harassment and others in accordance with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”); and implementation of a single, consolidated system for keeping records on cases of violence against women.⁴⁹

28. The Red Peruana contra la Explotación Sexual de Niños, Niñas y Adolescentes (Peruvian Network to Combat the Sexual Exploitation of Children and Adolescents) (JS2) stated that the legislation on the sexual exploitation of minors is flawed.⁵⁰ JS2 recommended that a comprehensive, gender-sensitive strategy for reducing the demand for the sexual exploitation of children and adolescents be launched and that the victim assistance and protection system be strengthened.⁵¹

29. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that, despite repeated recommendations by the Committee on the Rights of the Child and the support of Congress for law reform expressed in 2007, corporal punishment of children remained lawful. GIEACPC hoped States will recommend that legislation be enacted to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.⁵²

30. JS7 referred to efforts made to eradicate hazardous work, especially for children, but noted that a high number of children still experienced very dangerous working conditions, in brick factories and in mines. It noted that children, mostly aged 6–12, worked under the patronage of criminal organizations as street vendors in large cities.⁵³ JS7 recommended investing in quality education programmes to protect children and youth from the dangers of drug addiction and prostitution, and ensuring effective implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography of children, ratified by Peru.⁵⁴

31. Anti-Slavery International indicated that, despite efforts towards tackling child domestic labour, many child domestic workers were subjected to work which was harmful to their health, safety and development.⁵⁵ It recommended ensuring effective implementation of the Domestic Workers Act, the Code of Childhood and Adolescence and the 2011–2016 National Action Plan on Child Labour; improving the quality the Alternative Basic Education programme; ensuring access to the National Health system; raising public awareness about the risks associated with child domestic work and; signing and ratifying ILO Convention No. 189 on Decent Work for Domestic Workers.⁵⁶

32. Joint submission 8 (JS8) indicates that the final report of the Truth and Reconciliation Commission states that 12.8 per cent of the population harmed by political violence were children or adolescents. JS8 recommended that a public policy to prevent the recruitment of children be put in place; that a programme for the disarmament, demobilization and reintegration of these children into society be developed in order to promote the prevention of recruitment and the rehabilitation of these children; and that members of SL, as well as of the Peruvian army, be punished for recruiting children or adolescents into their armed forces.⁵⁷

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

33. CLADEM-Peru recommended that steps be taken to ensure that courses based on a gender perspective are made part of the training provided to judges; that policies be established on the use of specialized judicial proceedings in dealing with cases involving sexual violence; and that a mechanism for the provision of legal assistance and support to victims of sexual violence be created.⁵⁸

34. The International Catholic Child Bureau (ICCB) argued against the idea of lowering the age of criminal responsibility as, purportedly, a way of making the streets safer.⁵⁹ ICCB recommended, inter alia, that the Code for Children and Adolescents, which provides for institutionalization for up to 6 years, be amended;⁶⁰ that information on the commission of criminal offences by adolescents be properly handled; and that self-regulation by the media be encouraged to ensure respect for the rights of young people in conflict with the law.⁶¹

35. HRW noted that no progress has been made in implementing UPR recommendation 4 (a)⁶² of 2008, to ensure that the military criminal justice system does not carry out investigations.⁶³ It recommended the following: ensuring timely prosecution of human rights cases outstanding before the National Criminal Court; collaboration by the Ministry of Defense in ongoing criminal investigations into past abuses; refraining from using military tribunals to try human rights cases; refraining from making public statements in opposition to human rights trials; and supporting all efforts of the National Criminal Court to prosecute such cases.⁶⁴

36. The Legal Defence Institute (IDL) indicated that military courts have expanded their jurisdiction to include ordinary offences and that military personnel on active duty are appointed as judges under Legislative Decrees Nos. 1094, 1095, 1096 of 1 September 2010. A legal framework has been created that allows the armed forces to take part in internal operations against hostile groups or even as back-up support for the police. The military and police courts have jurisdiction over any case of abuse or improper conduct on the part of military personnel that takes place in the course of such operations.⁶⁵

37. AI stressed that impunity for human rights violations carried out during the internal armed conflict continued to be a serious concern, noting that progress had been very slow in ensuring truth, justice and reparation. Moreover, according to AI, the Ministry of Defence had reportedly not cooperated with the civilian courts investigating military offences and past violations.⁶⁶

38. CDR indicated that, in line with an amicable settlement that had been arrived at in 2011 with the assistance of the Inter-American Commission on Human Rights, the State had made public the decision of the Prosecutor-General to reopen investigations into cases of forced sterilization. CDR also called for compliance with recommendations made by United Nations treaty bodies.⁶⁷ CLADEM-Peru recommended that the necessary economic, human and technical resources to ensure that the investigations were carried out properly be made available and that a policy on reparations for victims of that sterilization policy be developed.⁶⁸

4. Right to privacy, marriage and family life (adjust the title, if relevant)

39. Joint Submission 7 (JS7) recognized progress to make birth registration more effective, but noted that deficiencies still persisted: children born at home were not registered, especially in the poorest areas of Lima, the provincial cities and in the most remote areas of the country. It also noted that obtaining a *Documento Nacional de Identidad* (DNI) was complicated when the birth certificate of the person concerned, or of one of the parents, contained an error. JS7 recommended: campaigns to ensure birth registration for all children; training of officers in charge of birth registration; simplification of the procedure for the rectification of errors contained in birth certificates.⁶⁹

40. JS8 indicated that, in August 2011, approximately 17,000 abandoned children and adolescents were living in residential care centres. JS8 recommended the implementation of public policies based on United Nations Guidelines for the Alternative Care of Children that will prevent families from being broken apart and ensure that children living in an alternative environment receive quality care.⁷⁰

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

41. AI was concerned that the rights to freedom of expression, association and assembly appeared to have been violated, with reports that excessive force had been used in the context of policing of protests against the impact of large-scale development projects.⁷¹ AI recommended reviewing Legislative Decrees 1094 and 1095, which allow the military to use force in situations of social conflict and protest, to ensure that they are in line with international human rights standards.⁷²

42. Joint Submission 10 (JS10) remained concerned about various forms of control that the Government exercised on the media⁷³ and the frequency with which politicians and public officials resorted to defamation to subdue legitimate criticisms.⁷⁴ JS10 recommended, inter alia: investigating all acts of violence against journalists and human rights defenders and ending impunity; devolving responsibility for licensing to an independent media regulatory body; ensuring that media regulation be kept free from political interference; improving the transparency of media ownership and refraining from using advertising contracts to influence media content; promulgating the amendments to the Penal Code and removing the criminal libel laws; creating an independent body in charge of reviewing appeals in relation to information requests; reviewing all rules and regulations, as well as practices, to ensure that victims and families of victims of human rights violations have access to relevant information needed for the investigation of serious violations during the period of exception.⁷⁵

43. Reporters Without Borders (RWB) noted that legal proceedings continued to hamper the free flow of information and opinion.⁷⁶ It noted that the end to imprisonment and fines for crimes of defamation, slander and libel remained key for the improvement of freedom of information and freedom of expression.⁷⁷

44. HRW noted that journalists in the provinces faced intimidation and threats, and that little progress had been made to implement part of UPR recommendation 13⁷⁸ to “expedite prosecution of cases of violence and intimidation of the media”.⁷⁹ HRW further noted that progress should be made on implementing UPR recommendations 14⁸⁰ to ensure that human rights defenders, witnesses, and victims can carry out their work without fear of intimidation.⁸¹ HRW recommended repealing criminal defamation laws; ensuring that journalists and human rights defenders do not suffer reprisals for their work; engaging constructively with human rights defenders in seeking solutions to address human rights problems.⁸²

45. The National Coordinator for Human Rights (CNDDHH) recommended that the work of human rights defenders should be protected through the passage of a law that guarantees them the right to work without being subject to threats or harassment and that reported assaults should be investigated and those responsible should be punished.⁸³

46. HRW recommended that the National Office of Election Processes anticipate the needs of persons with disabilities to ensure that they can access polling stations, and have the necessary support (including Braille ballots) to register their vote.⁸⁴

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

47. JS1 indicated that economic need forces people living in rural areas to migrate to the cities, where, since they lack competitive skills, they perform piecework as loaders, stevedores and porters. These people suffer from many occupational diseases and have many work-related accidents owing to the heavy loads that they handle and their poor working conditions.⁸⁵

48. CLADEM-Peru referred to the situation of female workers employed under special labour regimes and recommended that the Household Workers Act (Act No. 27986), which establishes a special and clearly discriminatory labour regime, be replaced with a law that is in line with international standards on labour rights; that article No. 7 of the Special Agricultural Labour Regime Act (Act No. 27360) be abrogated and that the private labour regime set out in Legislative Decree No. 728 be extended to cover agricultural workers; and that Peru ratify the ILO Domestic Workers Convention, 2011 (No. 189).⁸⁶

7. Right to health

49. Joint submission 1 (JS1) indicated that maternal mortality remains very high, particularly in marginalized rural areas.⁸⁷ JS1 recommended strengthening local health committees, promoting the role of community health workers, increasing the number of residential facilities for expectant mothers within establishments providing basic obstetric and neonatal care,⁸⁸ increasing the comprehensive health insurance coverage provided to the poorest and most marginalized sectors of the population through information campaigns; and developing new certification mechanisms for people who do not have identity documents.⁸⁹

50. With reference to recommendations Nos. 1⁹⁰ and 5,⁹¹ which were made during the universal periodic review of 2008, CDR indicated that the maternal mortality rate reflects the inequity and exclusion to which women are subject.⁹² CDR recommended that consideration be given to the adoption of the World Health Organization's Strategic Approach to Strengthening Sexual and Reproductive Health Policies and Programmes.⁹³

51. JS7 referred to a deficiency in the reception capacity in hospitals, and expressed concern about the sterilization of women during childbirth and at the large number of organized networks for trafficking in organs.⁹⁴ JS7 further reported a high rate of drug and alcohol addiction among children and adolescents, particularly affecting children living on the streets.⁹⁵

52. JS8 referred to recent cases of post-vaccine polio and recommended that a health policy be developed that will ensure safe vaccination practices, proper preventive measures, and an immediate response to such cases in the form of comprehensive, specialized care, rehabilitation services and lifelong reparation and/or compensation.⁹⁶

53. PROMSEX indicated that, even though therapeutic abortion has not been a punishable offence since 1924, a health-care protocol for such cases has not yet been approved.⁹⁷ CLADEM-Peru recommended that a therapeutic abortion protocol be established and that approval be given for the Criminal Code Review Commission's

proposal for the decriminalization of eugenic abortions and abortions when the pregnancy is the result of rape.⁹⁸

54. AI noted that in 2006, in order to prevent and respond to sexual abuse of children, the authorities had passed Law 28704, raising the age of consent for sexual relations from 14 to 18 years.⁹⁹ PROMSEX indicated that, since that law came into force, it has had an adverse impact on adolescents' access to sexual and reproductive health services.¹⁰⁰

55. JS5 recommended that articles 4 and 30 of the General Health Act, which deny free access for adolescents under 18 years of age to sexual and reproductive health services unless they are accompanied by their father, mother or guardian, be amended and that public policies be put in place that will ensure access to sexual and reproductive health services for adolescents.¹⁰¹

56. Joint submission 5 (JS5) reported that official statistics indicate that HIV/AIDS is most prevalent among young people.¹⁰² JS8 referred to the shortage of anti-retroviral drugs for adults and children and recommended that supply management arrangements be revised in order to bring them into line with WHO recommendations on the subject.¹⁰³ JS9 also referred to community health services for the LGBT population and recommended that universal access to HIV/AIDS preventive and diagnostic services and treatment be guaranteed and that health-care protocols be used that take all the needs of LGBT persons into account.¹⁰⁴

8. Right to education

57. JS1 indicated that progress has been made in ensuring access to education,¹⁰⁵ but public schools on the outskirts of urban areas and in rural areas ask poor families to pay fees.¹⁰⁶ JS1 indicated that access to schooling and the ability to stay in school must be guaranteed and that curricula need to be adapted to geographic and cultural realities.¹⁰⁷

58. JS8 indicated that intercultural bilingual education is a policy priority, but that there are numerous problems to be dealt with in order to ensure access for indigenous children. JS8 recommended that funds should be budgeted for the establishment of intercultural bilingual schools in all three educational cycles, that a remedial academic programme should be set up for students in intercultural bilingual schools, and that such schools be linked to public health, nutrition, protective and identity services.¹⁰⁸

59. JS7 recommended guaranteeing access to education for all children, especially those living in remote areas and children with disabilities; maintaining g school feeding programmes to meet children's nutritional needs and enable them to attend school; continuing the development of quality education by encouraging partnerships between the Government and the private sector; improving training of teachers and establishing a system to encourage their good performance.¹⁰⁹

9. Persons with disabilities

60. HRW noted that, in 2011, Law 29737 amending the General Health Law was approved to permit family members, in certain circumstances, to authorize the detention of people suffering from "mental health problems" (defined to include people with psychosocial disabilities and those with drug or alcohol dependence).¹¹⁰ HRW recommended ensuring that no one be subjected to forced detention in the name of addiction or "mental health" treatments and; closing forced drug rehabilitation facilities; and establishing voluntary and effective drug treatment in their place.¹¹¹

61. JS6 indicated that, although the Code for Children and Adolescents does recognize some rights for children with disabilities, it does not recognize their right to freely express their views, on an equal footing with other children, regarding all matters that affect them.

In addition, Peru does not have public programmes in other areas that are crucial to such children's development, such as sports and access to an inclusive or, in the case of children with severe disabilities, special education.¹¹²

62. JS6 recommended that funds be earmarked for the provision of inclusive schooling for children and young persons with disabilities, technical training for teachers, occupational training for young people with disabilities, the promotion of physical and communications accessibility, the promotion of production projects, and the elimination of barriers that restrict the right of young people with disabilities to vote.¹¹³

63. HRW recommended the comprehensive review of all domestic legislation and amendments towards full compliance with the CRPD, including the revision of the definition of disability in the General Law on Persons with Disabilities, Law No. 27050, and the law on legal capacity, to create a system whereby people with disabilities have access to the support they need in making decisions and exercising their rights on an equal basis.¹¹⁴

10. Minorities and indigenous peoples

64. Joint Submission 3 (JS3) referred to the long-standing exclusion, invisibility and discrimination of Afro-descendants in Peru.¹¹⁵ It recommended: supporting the institution(s) responsible for ethnic-minority questions; establishing an Office for Afro-Peruvian issues within public institutions involved in the promotion and protection of human rights; establishing an ethical code against racism and discrimination for all public sector representatives; implementing the NHRP and the Durban Declaration and Plan of Action.¹¹⁶

65. JS1 recommended that there be a single general law for indigenous peoples that included provisions governing particular aspects of different regions (highlands, coastal areas, jungles).¹¹⁷ CLADEM-Peru recommended that a provision be added to the Prior Consultation Act that explicitly provides for the participation of indigenous women in consultations.¹¹⁸

66. According to the Society for Threatened Peoples (STP), public debates mainly focused on the situation of native communities and indigenous peoples in voluntary isolation, neglecting peasant communities which were consequently not taken into account when the rights of indigenous peoples were discussed.¹¹⁹ STP recommended: fighting racism and discrimination towards indigenous peoples; implementing the Law on the Right to Prior Consultation; recognizing the special vulnerability of indigenous groups in voluntary isolation; ensuring that human rights defenders can work freely and without fear of intimidation; prohibiting extractive industries with a high risk of pollution in headwater regions.¹²⁰

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status.)

Civil society:

AI	Amnesty International, London, UK
Anti-Slavery International	Anti-Slavery International, London, United Kingdom
BICE	Bureau International Catholique de l'Enfance, Geneva, Switzerland
CDR	Centro de Derechos Reproductivos, Bogota, Colombia

COMISEDH	Comisión de Derechos Humanos, Peru
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom
HRW	Human Rights Watch, Switzerland
IDL	Instituto de Defensa Legal, Lima, Peru
JS1	Joint Submission 1 – by Movimiento Internacional ATD Cuarto Mundo (Suiza-Peru), Asociación Civil Gregorio Condori Mamani AGCM (Peru) y la Comisión de Juristas contra la Corrupción y por la Defensa Social (Cusco, Peru)
JS2	Joint Submission 2 – by Red Peruana contra la Explotación Sexual de Niñas, Niños y Adolescentes: Capital Humano y Social Alternativo (CHSA), Instituto Redes, Casa de la Sonrisa, Peru
JS3 CEDET-FI	Joint Submission 3 – by CEDET-FI: Center for Ethnic Development (Centro de Desarrollo Etnico – CEDET) and Franciscans International, Lima/New York/Geneva
JS4 CLADEM Perú	Joint Submission 4 – by CLADEM-Perú: Asociación “Aurora Vivar”, el Centro de la Mujer Peruana “Flora Tristan”, DEMUS Estudio para la defensa de la mujer y el Movimiento Manuela Ramos, Peru
JS5	Joint Submission 5 – by el Colegio Médico del Perú, el Instituto Peruano de Paternidad Responsable – INPPARES, Pathfinder Perú y el Instituto de Salud Reproductiva, Peru
JS6	Joint Submission 6 – by CONFENADIP – Perú Equidad: Confederación Nacional de Personas con Discapacidad del Perú y Perú Equidad-Centro de Políticas Públicas y Derechos Humanos, Perú
JS7	Joint Submission 7 – by Association Points-Coeur, Company of Daughters of Charity of Vincent Paul, IIMA-Instituto Internazionale Maria Ausiliatrice, Marist International Solidarity Foundation (FMSI), VIDES International – International Volunteerism Organization for Women, Education, Development and Edmund Rice International
JS8	Joint Submission 8 – by Acción por los Niños, Aldeas Infantiles SOS Perú, Asociación Ciudadana de Prevención de Enfermedades Transmisibles – ACPET, Capital Humano y Social Alternativo – CHS Alternativo, Centro de Capacitación “JM Arguedianos”, Comisión de Derechos Humanos de Ica – CODEHICA, Fundación ANAR, Fundación Terre des Hommes Holanda, GID – Generación de Innovaciones para el Desarrollo, Instituto de Formación de Adolescentes y Niños Trabajadores-Nagayama Norio INFANT, IPRODES – Instituto Promoviendo Desarrollo Social, Kallpa, Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos – PROMSEX, Red Nacional de Educación y Desarrollo para jóvenes, Save the Children, SEPEC y Tierra de Niños, Peru
JS9	Joint Submission 9 – by Movimiento Homosexual de Lima (MHOL) y la Iniciativa por los Derechos Sexuales, Peru
JS10	Joint Submission 10 – by ARTICLE 19 and APRODEH, IPYS, Suma Ciudadana, Peru

JS11 CNDDHH	Joint Submission 11 – by Coordinadora Nacional de Derechos Humanos (CNDDHH), Peru
PROMSEX	Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos, Peru
RUNA	Instituto de Desarrollo y Estudios sobre Género, Lima, Peru
RWB	Reporters Without Borders, Geneva, Switzerland
STP	Society for Threatened Peoples, Switzerland

National Human Rights Institutions

DP	Defensoría del Pueblo*, Peru
----	------------------------------

Regional intergovernmental organizations

IACHR	Inter-American Commission on Human Rights, Washington, D.C.
-------	---

- ² Defensoría del Pueblo, para. 7. See also submissions from IDL and AI.
- ³ Defensoría del Pueblo, paras. 13–15.
- ⁴ Defensoría del Pueblo, para. 5.
- ⁵ Defensoría del Pueblo, para. 21.
- ⁶ Defensoría del Pueblo, para. 22. See also submission from PROMSEX.
- ⁷ Defensoría del Pueblo, para. 16.
- ⁸ Defensoría del Pueblo, para. 20.
- ⁹ Defensoría del Pueblo, para. 27.
- ¹⁰ Defensoría del Pueblo, para. 28. See also submission from CNDDHH.
- ¹¹ Defensoría del Pueblo, para. 29.
- ¹² Defensoría del Pueblo, para. 24. See also CLADEM-Perú, pages 2–4.
- ¹³ Defensoría del Pueblo, para. 25.
- ¹⁴ Defensoría del Pueblo, para. 26.
- ¹⁵ Defensoría del Pueblo, para. 8. See also submission from IDL, page 5.
- ¹⁶ Defensoría del Pueblo, para. 9.
- ¹⁷ Defensoría del Pueblo, para. 10.
- ¹⁸ Defensoría del Pueblo, para. 12. See also submission from IDL, page 5.
- ¹⁹ Defensoría del Pueblo, para. 4. See also submission from JS7.
- ²⁰ Defensoría del Pueblo, para. 1. See also submission from AI, pages 1–2.
- ²¹ Defensoría del Pueblo, para. 33. See also submissions from AI and IDL.
- ²² Defensoría del Pueblo, para. 31. See also submissions from HRW and recommendation from AI, age 4 and IDL, pages 1–2.
- ²³ Defensoría del Pueblo, paras. 30 and 32. See also AI and IDL and recommendations from JS11 CNDDHH, pages 5–6.
- ²⁴ Defensoría del Pueblo, paras. 30 and 32. See also AI and IDL and recommendations from JS11 CNDDHH, pages 5–6.
- ²⁵ IACHR submission, page 2. See also <http://www.oas.org/juridico/english/sigs/a-53.html> (accessed on 26 June 2012).
- ²⁶ Press release 94/10 – IACHR Expresses Satisfaction for Repeal of Decree 1097 in Peru. Washington, D.C., September 17, 2010. Available at: <http://www.cidh.org/Comunicados/English/2010/94-10eng.htm> (accessed on 3 July 2012).
- ²⁷ CLADEM-Perú, page 4. JS8, page 3.
- ²⁸ COMISEH, para. 21. See also submissions from AI and CNDDHH, page 9.
- ²⁹ CLADEM-Perú, page 10.
- ³⁰ AI, page 4. See also submission from IDL.
- ³¹ CNDDHH, page 10.
- ³² JS1, pages 2–4.
- ³³ JS1, page 4.
- ³⁴ JS1, page 6.
- ³⁵ “To report regularly to human rights treaty bodies and to respond to special procedures’ communications and questions (Slovenia)”, A/HRC/8/37, paragraph 52.17.

- ³⁶ CDR, pages 1–4. See submission for further details on the cases cited. See also submission from PROMSEX, CLADEM-Peru and AI.
- ³⁷ CDR, page 2.
- ³⁸ “*To consider applying the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in policy development (Slovenia)*”, A/HRC/8/37, paragraph 52.2.
- ³⁹ JS9, page 3. See also submission from CNDDHH.
- ⁴⁰ JS6, page 2.
- ⁴¹ JS6, pages 2–3.
- ⁴² JS9, pages 4–5.
- ⁴³ “*To consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Mexico, France)*”, A/HRC/8/37, paragraph 52.16.
- ⁴⁴ JS8, page 4. See also recommendation from AI, page 4.
- ⁴⁵ HRW, page 2. See submission for cases cited.
- ⁴⁶ HRW, page 5.
- ⁴⁷ JS6, page 6.
- ⁴⁸ JS7, pages 8–9.
- ⁴⁹ CLADEM-Perú, page 4.
- ⁵⁰ Red Peruana contra la Explotación Sexual de Niños, Niñas y Adolescentes, pages 8–9. See also submission from JS8.
- ⁵¹ Red Peruana contra la Explotación Sexual de Niños, Niñas y Adolescentes, pages 8–9. See also submission from JS7 and JS8.
- ⁵² GIEACPC, page 1. See also submissions from JS7, JS8 and IACHR Report on Corporal Punishment and Human Rights of Children and Adolescents, OEA/Ser.L/V/II. Doc. 14, 5 August 2009, paragraph 32 (Available at: <http://www.cidh.oas.org/Ninez/CastigoCorporal2009/CASTIGO%20CORPORAL%20ENGLISH%20FINAL.pdf>). See also JS8, pages 4–5.
- ⁵³ JS7, page 5.
- ⁵⁴ JS7, page 6.
- ⁵⁵ Anti-Slavery International, page 1.
- ⁵⁶ Anti-Slavery International, page 5.
- ⁵⁷ JS8, pages 2–3.
- ⁵⁸ CLADEM-Perú, pages 6–7.
- ⁵⁹ BICE, page 3.
- ⁶⁰ BICE, page 3.
- ⁶¹ BICE, page 4.
- ⁶² “*To promptly, impartially and thoroughly investigate all reports of acts of torture and ill-treatment, and torture and forced disappearance perpetrated by agents of the State, ensuring that the military criminal justice system does not carry out these investigations, and take further efforts to ensure that those who report acts of torture or ill-treatment are protected from intimidation and reprisals and to implement the recommendations of the Committee against Torture made in this regard (Canada)*”, A/HRC/8/37, paragraph 52.4 (a).
- ⁶³ HRW, page 2.
- ⁶⁴ HRW, pages 1–2 and 5.
- ⁶⁵ IDL, pages 2–3.
- ⁶⁶ AI, page 2. See also submission from IDL.
- ⁶⁷ CDR, page 5. See also submission from CLADEM-Perú, pages 5–6.
- ⁶⁸ CLADEM-Perú, page 7. See also submission from AI, pages 2–3.
- ⁶⁹ JS7, pages 2–3.
- ⁷⁰ JS8, page 7.
- ⁷¹ AI, page 3.
- ⁷² AI, page 5. See also submission from IDL, pages 2–3.
- ⁷³ JS10, pages 1–2. See submission for cases cited.
- ⁷⁴ JS10, pages 2–3. See submission for cases cited.
- ⁷⁵ JS10, page 7.
- ⁷⁶ Reporters Without Borders, page 1. See submission for cases cited. See also IACHR submission and IACHR Report the Inter-American legal framework regarding the rights to access to information.

- OEA/Ser.L/V/II CIDH/RELE/INF.1/09 December 30, 2009, paragraphs 111, 178, 185. (Available at: <http://www.oas.org/en/iachr/expression/docs/publications/ACCESS%20TO%20INFORMATION%20FINAL%20CON%20PORTADA.pdf>).
- ⁷⁷ Reporters Without Borders, page 1. See submission for cases cited.
- ⁷⁸ “*To expedite prosecution of cases of violence and intimidation of the media, impose penalties for government officials convicted of these offences and publicly demonstrate support for freedom of expression by denouncing violence against and intimidation of the media in Peru (United States of America)*”, A/HRC/8/37, paragraph 52.13.
- ⁷⁹ HRW, pages 4–5. See submission for cases cited.
- ⁸⁰ “*To ensure that human rights defenders, including victims of human rights violations, witnesses, prosecutors, forensic experts, journalists and trade union workers, can carry out their human rights work freely and without fear of intimidation (Australia, the Netherlands) and that Peru report back to the Human Rights Council about further concrete measures or actions taken in this regard (Netherlands). Peru should also consider developing a national policy of protection of human rights defenders, which could consist of a national system of protection of witnesses (Belgium) and human rights defenders (Brazil)*”, A/HRC/8/37, paragraph 52.14.
- ⁸¹ HRW, pages 4–5. See submission for cases cited.
- ⁸² HRW, page 6. See also AI recommendation, page 5.
- ⁸³ CNDDHH, page 8. See IACHR submission, Precautionary Measures (granted since 2008), page 8 and IACHR Second Report on the Situation of Human Rights Defenders in the Americas. OEA/Ser.L/V/II. Doc. 66, 31 December 2011, paragraphs 3, 51, 100, 132, 140, 148, 183, 204, 218, 316, 318, 397, 435, 462, 466, 476.g (Available at: <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>).
- ⁸⁴ HRW, page 5.
- ⁸⁵ JS1, page 6.
- ⁸⁶ CLADEM-Perú, pages 7–8.
- ⁸⁷ JS1, pages 2–4.
- ⁸⁸ JS1, page 4.
- ⁸⁹ JS1, page 6.
- ⁹⁰ “*To continue paying attention to promoting and protecting the human rights of vulnerable groups (Philippines)*”, A/HRC/8/37, paragraph 52.1.
- ⁹¹ “*To continue to implement its policies, plans and services to protect the advancement of women and to protect them against violence (Chile)*”, A/HRC/8/37, paragraph 52.5.
- ⁹² CDR, pages 6–7.
- ⁹³ CDR, page 7.
- ⁹⁴ JS7, pages 7–8.
- ⁹⁵ JS7, page 7.
- ⁹⁶ JS8, pages 8–9.
- ⁹⁷ PROMSEX, pages 1–2. See also submission from the Defensoría del Pueblo and HRW.
- ⁹⁸ CLADEM-Perú, page 6. See also submission from HRW, AI and CNDDHH.
- ⁹⁹ AI, page 2.
- ¹⁰⁰ PROMSEX, pages 4–5. See also submission, JS5, page 5, JS8 and AI, pages 2–3.
- ¹⁰¹ JS5, page 5. See also submission JS8 and AI, pages 2–3.
- ¹⁰² JS5, page 1.
- ¹⁰³ JS8, pages 5–6.
- ¹⁰⁴ JS9, pages 4–5.
- ¹⁰⁵ JS1, pages 8–10.
- ¹⁰⁶ JS1, pages 10–12.
- ¹⁰⁷ JS1, pages 10–12.
- ¹⁰⁸ JS8, pages 1–2.
- ¹⁰⁹ JS7, pages 3–5.
- ¹¹⁰ HRW, pages 3–4.
- ¹¹¹ HRW, page 6.
- ¹¹² JS6, pages 3–4.
- ¹¹³ JS6, pages 7–8. See also submission from JS8.
- ¹¹⁴ HRW, page 5.

- ¹¹⁵ JS3, pages 1–4. See also IACHR submission and IACHR Report of the Situation of people of African Descent. OEA/Ser.L/V/II. Doc. 62, 5 December 2011, paragraphs 43 (Available at: http://www.oas.org/en/iachr/afro-descendants/docs/pdf/AFROS_2011_ENG.pdf).
- ¹¹⁶ JS3, pages 5–6.
- ¹¹⁷ JS1, page 9.
- ¹¹⁸ CLADEM-Perú, page 10. See also recommendation from AI, page 4 and recommendations from CNDDHH, page 8.
- ¹¹⁹ STP, page 2.
- ¹²⁰ STP, page 6. See also submission from IDL, pages 1–2 and CNDDHH, pages 4–5.
-